



भारत का राजपत्र

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प्राधिकार से प्रकाशित

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No. ५१] NEW DELHI, SATURDAY, DECEMBER १७, १९६६/AGRAHAYANA २६, १८८८

इस भाग में भल पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग्न संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र ३ दिसम्बर, १९६६ तक प्रकाशित किए गये।

The unnumbered Gazettes of India Extraordinary were published upto the 3rd December, 1966 :—

Issue No.	No. and Date	Issued by	Subject
400	S. O. 3664, dated 1st December, 1966.	Ministry of Finance	Specification of the period by a person to the Administrator under sub-rule (1) of rule 126-I of the Defence of India Rules, 1962.
401	S. O. 3665, dated 1st December, 1966.	Ministry of Law	Declarations containing the names of the candidates elected to fill the vacancies in the Council of States.
402	S. O. 3666, dated 1st December, 1966. S. O. 3667, dated 1st December, 1966.	Election Commission, India, Do.	Choice of symbols in Nagaland. Allotment of symbols to the recognised parties.
403	S. O. 3667, dated 2nd December, 1966.	Ministry of Finance	Appointment of Shri D. P. Anand, Senior Member, Central Board of Excise and Customs and ex-officer Addl. Secretary as Administrator in addition to his own duties.

Issue No.	No. and Date	Issued by	Subject
404	S. O. 3669, dated 3rd December, 1966.	Ministry of Home Affairs.	Suspending the operation of certain provisions of the Government of Union Territories Act, 1963.
405	S. O. 3670, dated 3rd December, 1966.	Ministry of Commerce.	Release of raw jute imported ex-Ocean Enterprise.

उत्तर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, थिल्ली के नाम मांगपत्र भेजने पर भव्य दी जाएँगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—संग्रह 3—उपसंग्रह (ii)

PART II—Section 3—Sub-section (ii)

(रका मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ सभा प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विभिन्न आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 7th December 1966

S.O. 3794.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints in respect of each of the Parliamentary Constituencies specified in column 1 of the Table below:—

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer, and
- (b) the officer or, as the case may be, officers specified in the corresponding entry or entries in column 3 of the said Table to be the Assistant Returning Officer or Officers.

TABLE

Serial No. and Name of the Constituency	Returning Officer	Assistant Returning Officer
1. Baramulla . . .	Deputy Commissioner, Assistant Commissioner, Baramulla District.	Baramulla District.
2. Srinagar . . .	Deputy Commissioner, Srinagar District.	1. Assistant Commissioner Srinagar District. 2. Administrator, Srinagar Municipality.

Sl. No.	and Name of the Constituency	Returning Officer	Assistant Returning Officer
3.	Anantnag	Deputy Commissioner, Anantnag District.	Anantnag District.
4.	Ladakh	Deputy Commissioner, Ladakh District.	Ladakh District.
5.	Udhampur	Deputy Commissioner, Udhampur District.	1. Assistant Commissioner, Udhampur District. 2. Assistant Commissioner, Doda District. 3. Assistant Commissioner, Kathua District.
6.	Jammu	Deputy Commissioner, Jammu District.	1. Assistant Commissioner, Jammu District. 2. Administrator, Jammu Municipality. 3. Assistant Commissioner, Poonch District.

[No. 434/J&K/HIP/66.]

S.O¹ 3795.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoint in respect of each of the Parliamentary Constituencies in the State of Punjab as determined by the Delimitation Commission in its order No. 13 dated the 23rd November, 1966, and specified in column 1 of the Table below:—

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and
- (b) the officers specified in the corresponding entry in column 3 of the said Table to assist the Returning Officer in the performance of his functions:—

TABLE

	Name of the Constituency	Returning Officer	Assistant Returning Officer
		1	2
1.	Fazilka	Deputy Commissioner, Ferozepur.	1. General Assistant, Ferozepur. 2. Sub-Divisional Officer, Fazilka. 3. Executive Magistrate 1st Class, Fazilka. 4. Sub-Divisional Officer, Muktsar. 5. Executive Magistrate, 1st Class, Muktsar. 6. Sub-Divisional Officer, Faridkot.
2.	Ferozepore	Deputy Commissioner, Ferozepore.	1. Sub-Divisional Officer, Ferozepore. 2. General Assistant, Ferozepore. 3. Executive Magistrate 1st Class Ferozepore. 4. Sub-Divisional Officer, Moga. 5. Executive Magistrate 1st Class, Moga. 6. Sub-Divisional Officer, Zira.
3.	Taran Taran	Deputy Commissioner, Amritsar.	1. Sub-Divisional Officer, Amritsar. 2. Sub-Divisional Officer, Ajnala. 3. Sub-Divisional Officer, Patt. 4. Sub-Divisional Officer, Taran Taran.

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4. Amritsar	Deputy Commissioner, Amritsar.	1. Sub-Divisional Officer, Amritsar. 2. General Assistant I, Amritsar. 3. General Assistant II, Amritsar. 4. Executive Magistrate 1st Class, (D) Amritsar. 5. Sub-Divisional Officer, Ajnala. 6. Sub-Divisional Officer, Batala.
5. Gurdaspur	Deputy Commissioner, Gurdaspur.	1. Sub-Divisional Officer, Gurdaspur. 2. General Assistant, Gurdaspur. 3. Sub-Divisional Officer, Batala. 4. Sub-Divisional Officer, Pathankot. 5. Sub-Divisional Officer, Dasuya.
6. Hoshiarpur	Deputy Commissioner, Hoshiarpur.	1. Sub-Divisional Officer, Hoshiarpur. 2. District Development and Pan- chayat Officer, Hoshiarpur. 3. Sub-Divisional Officer, Garhsian- kar. 4. Sub-Divisional Officer, Dasuya. 5. Sub-Divisional Officer, Anandpur.
7. Jullundur	Deputy Commissioner, Jullundur.	1. Sub-Divisional Officer, Jullundur. 2. District Development and Pan- chayat Officer, Jullundur. 3. Executive Magistrate 1st Class, Jullundur. 4. Sub-Divisional Officer, Nakodar. 5. Sub-Divisional Officer, Kapurthala.
8. Phillaur	Deputy Commissioner, Jullundur.	1. General Assistant, Jullundur. 2. Executive Magistrate, Jullundur. 3. Sub-Divisional Officer, Phillaur. 4. Sub-Divisional Officer, Nawans- shahr. 5. Sub-Divisional Officer, Phagwara. 6. District Development and Pan- chayat Officer, Hoshiarpur.
9. Ludhiana	Deputy Commissioner, Ludhiana.	1. Sub-Divisional Officer, Ludhiana. 2. Sub-Divisional Officer, Jagraon. 3. Executive Magistrate 1st Class, Ludhiana. 4. District Development and Pan- chayat Officer, Ludhiana.
10. Rupar	Deputy Commissioner, Rupar.	1. Sub-Divisional Officer, Rupar. 2. District Development and Pan- chayat Officer, Rupar. 3. Sub-Divisional Officer, Kharar. 4. Sub-Divisional Officer, Samrala. 5. Sub-Divisional Officer, Nabha. 6. Sub-Divisional Officer, Fatchgarh Sahib at Basti.
11. Patiala	Deputy Commissioner, Patiala.	1. Sub-Divisional Officer, Patiala. 2. General Assistant I, Patiala. 3. General Assistant II, Patiala. 4. District Development and Pan- chayat Officer, Patiala. 5. Sub-Divisional Officer, Rajpura. 6. Sub-Divisional Officer, Sangrur.

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12. Sangrur	Deputy Commissioner, Sangrur.	1. Sub-Divisional Officer, Sangrur. 2. District Development and Pan- chayat Officer, Sangrur. 3. Sub-Divisional Officer, Barnala. 4. Sub-Divisional Officer, Malerkotla. 5. Executive Magistrate(A) Bhatinda.
13. Bhatinda	Deputy Commissioner, Bhatinda.	1. Sub-Divisional Officer, Bhatinda. 2. General Assistant, Bhatinda. 3. Sub-Divisional Officer, Faridkot. 4. Sub-Divisional Officer, Mansa. 5. Executive Magistrate, 1st Class, Mansa.

[No. 434/PB/66.]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 7th December 1966

S.O. 3796.—In pursuance of clause (b) of rule 2 of the Citizenship Rules, 1956, and in continuation of the notification of the Government of India in the Ministry of Home Affairs No. 10/3/56-(ii)-I.C. dated the 1st October, 1956, the Central Government hereby appoints each of the officers specified in column (1) of the Schedule hereto annexed to perform in the State of Orissa the functions of the Collector under the said rules in respect of the area specified in the corresponding entry in column (2) thereof.

THE SCHEDULE

Designation of the officer.	Area
(1)	(2)
1. Sub-divisional officer, Nowrangpur.	Nowrangpur Sub-division, Kora- put Dt.
2. Sub-divisional Officer, Koraput.	Koraput Sub-division, Koraput Dt.
3. Sub-divisional Officer. Malkangiri.	Malkangiri Sub-division, Kora- put Dt.
4. Sub-divisional Officer, Rayagada.	Rayagada Sub-division, Kora- put Dt.
5. Sub-divisional Officer, Jeypore.	Jeypore Sub-division, Koraput Dt.
6. Sub-divisional Officer, Gunupur.	Gunupur Sub-division, Kora- put Dt.

[No. 23/5/66-IC.]

शृंग मंत्रालय

नई दिल्ली, 7 विसम्बर, 1966

एस०ओ० 3797.—नागरिकता नियम, 1956 के नियम 2 के अंडे (ब) के अनुसरण में और भारत सरकार, शृंग मंत्रालय की अधिसूचना सं० 10/3/56-(ii)-भा० ना०, तारीख 1 अक्टूबर, 1956 के ऋम में, केन्द्रीय सरकार, इससे उपाधद अनुमूल्ची के स्तम्भ (1) में विनिर्दिष्ट

आफिसरों में से हर एक को, उक्त नियमों के अधीन कलक्टर के कृत्यों का पालन, उड़ीसा राज्य में उस क्षेत्र की बाबतकरने के लिए एतद्वाग नियुक्त करती है जो उस अनुसूची के स्तम्भ (2) में तत्सम्बन्धी प्रविष्टि में विरिदिष्ट है।

अनुसूची

आफिसर का पदाभिदान

क्षेत्र

1. उपखंड आफिसर, नौरंगपुर	नौरंगपुर उपखंड, जिला कोरापुट
2. उपखंड आफिसर, कोरापुट	कोरापुट उपखंड, जिला कोरापुट
3. उपखंड आफिसर, भलकानगिरि	भलकानगिरि उपखंड, जिला कोरापुट
4. उपखंड आफिसर, रायगढ़	रायगढ़ उपखंड, जिला कोरापुट
5. उपखंड आफिसर, जयपुर	जयपुर उपखंड, जिला कोरापुट
6. उपखंड आफिसर, गन्तपुर	गन्तपुर उपखंड, जिला कोरापुट

[सं० 23/5/66—आई० सी०]

New Delhi, the 7th December 1966

S.O. 3798.—In pursuance of clause (b) of rule 2 of the Citizenship Rules, 1956, and in continuation of the notification of the Government of India in the Ministry of Home Affairs No. 23/3/66-I.C dated the 26th September, 1966, the Central Government hereby appoints the Zonal Administrator, Dandakaranya Project, H.Q. Kondagaon, to perform in the State of Madhya Pradesh the functions of the Collector under the said rules in respect of the Bastar District.

[No. F. 23/3/66-I.C.]

FATEH SINGH, Jt. Secy.

नई दिल्ली, 7 दिसम्बर, 1966

एस० शो० 3798:—नागरिकता नियम, 1956 के नियम 6 के खंड (ब) के अनुसरण में और भारत सरकार, एह मंदिरालय की अधिसूचना सं० 23/3/66—भा० ना० तारीख 26 सितम्बर, 1966 के क्रम में, केन्द्रीय सरकार, परिक्षेत्रीय प्रशासक, दण्डकारण्य परियोजना, मुख्यालय कोडागांव, को मध्यप्रदेश राज्य में, वस्तुर जिले की बाबत उक्त नियमों के अधीन कलक्टर के कृत्यों का पालन करने के लिये एतद्वाग नियुक्त करती है।

[सं० 23/3/66—भा० ना०]

फतेह सिंह,
मंत्रीकृत मंत्रिव, भारत सरकार।

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

New Delhi, the 3rd December 1966

S.O. 3800.—In pursuance of sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.R.O. 627, dated the 28th February, 1957, namely:—

In the said Schedule, in Part I and in Part III, the existing entries under the heading "Department of Insurance" shall be omitted.

[No. F. 14/97/66-INS./O&M.]

S.O. 3801.—In pursuance of sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. S.R.O. 612, dated the 28th February, 1957, namely:—

In the said Schedule,—

(a) In Part I, General Central Service, Class II, after the existing entries, the following entries shall be inserted, namely:—

I	2	3	4
<i>"Office of the Controller of Insurance."</i>			
All posts	Controller of Insurance.	Controller of Insurance.	All.";

(b) In Part II, General Central Service, Class III, after the existing entries, the following entries shall be inserted, namely:—

I	2	3	4	5
<i>"Office of the Controller of Insurance."</i>				
All posts	Controller of Insurance.	Controller of Insurance.	All	Joint Secretary.";

(c) In Part III, General Central Service, Class IV, after the existing entries, the following entries shall be inserted, namely:—

I	2	3	4	5
<i>"Office of the Controller of Insurance."</i>				
All posts	Controller of Insurance.	Controller of Insurance.	All	Joint Secretary.

Assistant Controller (i) to (iv) Controller of Insurance.";

[No. F. 14/97/66-Ins./O&M.]

M. S. SIVARAMAKRISHNA, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 6th December 1966

S.O. 3802.—In pursuance of sub-section (2) of section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation of the Board of Directors of the Industrial Finance Corporation of India hereby fixes 6 per cent per annum as the rate of interest payable on the bonds to be issued by the said Corporation in January, 1967 and maturing on the 1st January, 1968.

[No. F. 2(62)-Corp/66.]

A. K. NATARAJAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 8th December 1966

S.O. 3803.—In exercise of the powers conferred by sub-section (3) of section 1 of the Asian Development Bank Act, 1966 (18 of 1966), the Central Government hereby appoints the 19th day of December, 1966, as the date on which the said Act shall come into force.

[No. F. 2(39)/66-FB(I).]

C. S. KRISHNA MOORTHI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 9th December 1966

S.O. 384—Statement of the Affairs of the Reserve Bank of India as on the 2nd December 1966

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up . . .	5,00,00,000	Notes	13,35,42,000
		Rupee Coin	3,95,000
Reserve Fund	80,75,00,000	Small Coin	3,04,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :— (a) Internal
		(b) External
		(c) Government Treasury Bills	269,67,07,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad*	75,53,000
National Industrial Credit (Long term Operations) Fund	20,00,00,000	Investments**	208,57,48,000
		Loans and Advances to — (i) Central Government
		(ii) State Governments @	74,39,42,000

LIABILITIES	Rs.	ASSETS	Rs.
Deposits :		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks†	23,07,30,000
(i) Central Government	118,31,10,00	(ii) State Co-operative Banks††	170,15,22,000
(ii) State Governments	15,85,48,000	(iii) Others	2,60,51,000
(b) Banks		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(i) Scheduled Commercial Banks	126,86,92,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks	4,49,96,000	(i) State Governments	29,19,88,000
(iii) Non-Scheduled State Co-operative Banks	55,10,000	(ii) State Co-operative Banks	13,47,13,000
(iv) Other Banks	5,86,000	(iii) Central Land Mortgage Banks	
(c) Others	268,76,53,000	(b) Investment in Central Land Mortgage Bank Detentures	7,11,01,000
Bills Payable	35,99,68,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
Other Liabilities	65,33,32,000	Loans and Advances to State Co-operative Banks	4,06,54,000
Rupees	872,23,95,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to the Development Bank	4,42,46,000
		(b) Investment in bonds/debentures issued by the Development Bank	
		Other Assets	32,31,99,000
		Rupees	872,23,95,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 2,80,00,000 advanced to Scheduled Commercial Banks against usance bills under section 17(4)(c) of the R. B. I. Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 7th day of December, 1966.

An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 2nd day of December 1966
 ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department		Gold Coin and Bullion :—	
Notes in Circulation	13,35,42,000	(a) Held in India	115,89,25,000
Notes in Circulation	2797,10,42,000	(b) Held outside India	..
Total Notes issued	2810,45,84,000	Foreign Securities	176,42,01,000
		TOTAL	292,31,26,000
		Rupee Coin	88,22,99,000
		Government of India Rupee Securities	2429,91,59,000
		Internal Bills of Exchange and other commercial paper	..
TOTAL LIABILITIES	2810,45,84,000	TOTAL ASSETS	2810,45,84,000

Dated the 7th day of December, 1966.

Sd/- M.R. BHIDE,
 Dy. Governor.
 [No. F. 3(3)-BC/66.]
 V. SWAMINATHAN
 UNDER SECY.

CENTRAL BOARD OF DIRECT TAXES**INCOME-TAX***New Delhi, the 3rd December 1966*

S.O. 3805.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendments in the Schedule appended to its Notification No. 4-Income-tax dated the 14th January, 1966, namely:—

Against A-Range, Nagpur under column 2 the following shall be added, namely:—

12. D-Ward, Nagpur.
13. E-Ward, Nagpur.

Against B-Range, Nagpur under column 2 the following shall be substituted:

1. C-Ward, Nagpur.
2. F-Ward, Nagpur.
3. G-Ward, Nagpur.
4. Khandwa.

Explanatory Note

The amendment has become necessary on account of reallocation of work between the A.A.C.s. of Income-tax A-Range, Nagpur and B-Range, Nagpur.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 117 (F. No. 50/10/66-ITJ).]

New Delhi, the 12th December 1966

S.O. 3806.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment in the schedule appended to its Notification No. 18-Income-tax dated 14th February, 1966.

Against Central Range II, Bombay under column No. 2 the following shall be added, namely:

2. Section XVI (Central), Bombay.

Explanatory Note

The amendment has become necessary on account of creation of a new section called Section XVI (Central) in the Commissioner's charge.

(This note does not form part of the notification but is intended to be merely clarificatory).

[No. 118 (F. No. 50/13/66-ITJ).]

P. G. GANDHI, Under Secy.

ESTATE DUTY*New Delhi, the 8th December 1966*

S.O. 3807.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its Notification No. 11/F. No. 21/35/64-E.D., dated the 11th May, 1964 and subsequent corrigendum No. 52/F. No. 21/35/64-E.D., dated the 12th August, 1964 published as S.O. 1713 and S.O. 2834 in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 23rd May, 1964 and 22nd August, 1964 respectively, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Lucknow shall perform his functions as Assistant Controller in the said Circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable

income in any Income-tax Circle, the headquarters of which lies within the revenue districts of Lucknow, Bareilly, Rampur, Moradabad, Bijnor, Agra, Nainital and Shahjehanpur of the Uttar Pradesh State.

Explanatory Note

[This note does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to the creation of Income-tax Circles with headquarters at Nainital, Haldwani (District Nainital) and Shahjehanpur and substituting "Bijnor" in place of 'Najibabad' which is a Tehsil of Bijnor district.

[No. 20/F. No. 21/155/66-E.D.]

N. K. DUTT, Under Secy.

MINISTRY OF COMMERCE

RUBBER CONTROL

New Delhi, the 23rd November 1966

S.O. 3808.—In exercise of the powers conferred by clause (xv) of sub-section (2) of section 25 of the Rubber Act, 1947 (24 of 1947), the Central Government hereby makes the following rules further to amend the Rubber Board (Provident Fund) Rules, 1965, namely:—

1. These rules may be called the Rubber Board (Provident Fund) (Amendment) Rules, 1966.

2. In the Rubber Board (Provident Fund) Rules, 1965,—

(1) below rule 3, the following note shall be, and shall be deemed always to have been, inserted, namely:—

"**Note**.—Any officer retired from any Civil or Military Department of the Central Government or from the services of any State Government, or from the services of any Railway, Local Body, Port Trust or the like, administered by the Government, may, on re-employment under the Board, be admitted to the Fund subject to the general orders issued in this behalf by the Government of India, in the Ministry of Finance, from time to time.";

(2) for rule 7, the following rule shall be substituted, namely:—

"7. (1) A subscriber shall, at the time of joining the Fund, send to the Secretary a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund in the event of his death before that amount has become payable, or, having become payable, has not been paid:

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family:

Provided further that the nomination made by the subscriber in respect of any other Provident Fund to which he was subscribing before joining the Fund, shall, if the amount to his credit in such other fund has been transferred to his credit in the Fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Secretary. The subscriber shall, along with such

notice or separately, send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination—

(a) in respect of any specified nominee, that in the event of such nominee pre-deceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members and where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such manner as to cover the whole of the amount payable to the nominee;

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein:

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

(6) Immediately on the death of a nominee, in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the provisos thereto, the subscriber shall send to the Secretary a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Secretary.”;

(3) for sub-rules (2) and (3) of rule 13, the following sub-rules shall be substituted, namely:—

“(2) Interest shall be credited with effect from the 31st March of each year in the following manner:—

(i) on the amount at the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year—interest for twelve months;

(ii) on sums withdrawn during the current year—interest from the 1st April upto the last day of the month preceding the month of withdrawal.

(iii) on all sums credited to the subscriber's account after the 31st March of the preceding year—interest from the date of deposit upto the 31st March of the current year; and

(iv) the total amount of interest shall be rounded off to the nearest Paisa (fraction above 1/2 paisa being rounded off to the next higher paisa):

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing at the credit of the subscriber becomes payable.

(3) For the purpose of this rule, the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered.”;

(4) In sub-rule (2) of rule 17.—

(a) for item (iii) of clause (a),— the following items shall be substituted, namely:—

“(iii) to pay obligatory expenses on a scale appropriate to the status which, by customary usage, the subscriber has to incur in connection with marriages or other ceremonies of himself or of his children or of any other person actually dependent on him:

Provided that the condition of actual dependence shall not apply in the case of a son or a daughter:

Provided further that the condition of actual dependence shall not apply in the case of any advance required to meet funeral expenses of the parent of the subscriber;

(iv) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber or any person actually dependent on him in the following cases, namely:—

For education outside India, for any academic, technical, professional or vocational course beyond the High School stage; and

For any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years.”;

(b) for clause (c), the following clause shall be substituted, namely:—

“(c) An advance shall not be granted to any subscriber until after the repayment of the previous advance together with interest thereon.”;

(5) In rule 18, for sub-rules (1), (2), (4) and (5), the following sub-rules shall respectively be substituted, namely:—

“(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct, but such number shall not be less than twelve, unless the subscriber so elects, and more than twenty four. In special cases, where the amount of the advance exceeds three months' pay of the subscriber under clause (b) of sub-rule (2) of rule 17, the sanctioning authority may fix such number of instalments as will be more than twenty-four but in no case more than thirtysix.

(2) A subscriber may at his option repay more than one instalment in a month.

(4) Recovery shall be made in the manner provided in rule 11 and shall commence with the issue of pay other than leave salary for the month following the one in which the advance was drawn.

(5) Recovery shall not be made except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave other than leave on average pay or earned leave of less than one month or of thirty days duration, as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.”;

(6) For rule 19, the following rule shall be substituted, namely:—

“19. Final withdrawals from the Fund for (1) marriage purposes, (2) house building purposes and (3) meeting the expenditure on the cost of higher education, may be sanctioned by the Chairman at such rates and conditions as may be admissible to officers governed by the Contributory Provident Fund Rules (India), 1962.”;

(7) For sub-rule (4) of rule 21, the following sub-rule shall be substituted, namely:—

“(4) (a) Moneys required for current expenditure with the exception of petty cash and surplus moneys shall be kept in a current account in the State Bank of India or any other bank or banks approved by the Central Government.

(b) The moneys in the Fund not required for current expenditure may be invested in trustee securities or Ten year Treasury Savings Deposit Certificates or National Defence Certificates to the extent permissible or in fixed deposit in banks approved by the Central Government.

(c) Cheques for withdrawals from current account and all orders for making deposits or investments or the withdrawal of the same or for disposal of the moneys in the Fund shall be signed by the Finance and Accounts Officer of the Board or, in his absence, by the Accountant of the Board and countersigned by the Chairman or the Development Officer of the Board provided that where the amount covered by any such cheque or order does not exceed Rs. 5,000/-, such cheque or order may be countersigned by the Secretary or, in his absence, by any other officer of the Board duly authorised by the Chairman.”;

(8) For the First Schedule, the following Schedule shall be substituted, namely:—

FORM I
FIRST SCHEDULE

[See rule 7(3).]

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Rubber Board (Provident Fund) Rules, 1965 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable, has not been paid:—

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this day of 19 at

Signature of Subscriber.

Two witnesses to Signature :

1.
2.

FORM II

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below who are members of my family as defined in rule 2 of the Rubber Board (Provident Fund) Rules, 1965 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons if any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this day of 19 at

Signature of Subscriber.

Two witnesses to Signature :

1.
2.

*Note.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

FORM III

III. When the Subscriber has no family and wishes to nominate one person.

I, having no family as defined in rule 2 of the Rubber Board (Provident Fund) Rules, 1965 hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid :—

Name and address of nominee	Relationship with subscriber	Age	*Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons if any, to whom the right of the nominees shall pass in the event of his predeceasing the subscriber

Dated this....., day of....., 19....., at.....

Signature of Subscriber.

Two witnesses to signature:

1.
2.

*NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

FORM IV.

IV. When the subscriber has no family and wishes to nominate more than one person.

I, having no family as defined in rule 2 of the Rubber Board (Provident Fund) Rules, 1965 hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before the amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of nominees	Relationship with subscriber	Age	*Amount or share of cies on the accumula- tions to be which the nomination paid to each	†Contingent happening of the person/nomination to whom the nomination shall become invalid	Name, address and relationship of the persons if any, to whom the right of the nominees shall pass in the event of his predeceas-ing the subscriber

Dated this day of 19 at

Signature of Subscriber.

Two witnesses to signature :

1.
2.

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

†NOTE.—Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family."

"(9) The Second and Fourth Schedules shall be omitted."

[No. F. 15 (16) Plant (B)/63].

B. KRISHNAMURTHY, Under Secy.

New Delhi, the 1st December 1966

S.O. 3809.—In exercise of the powers conferred by sub-clause (1) of clause 5 of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the late Ministry of Commerce and Industry No. S.R.O. 1317, dated the 9th June, 1956, namely:—

In the said notification, for paragraph 5 excluding the notes thereunder, the following shall be substituted, namely:—

“5. The bales shall be of regular shape and sufficiently strong to withstand severe handling without any damage and shall be machine-pressed by the use of baling presses.”

[No. 29(9)-TEX(A)/66.]

T. S. KUNCHITHAPATHAM, Dy. Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Co-operation)

New Delhi, the 2nd December 1966

S.O. 3810.—In exercise of the powers conferred by Section 5B of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942) the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Cooperation) No 7-13/66-Credit dated the 3rd November, 1966 namely:—

In the said notification against serial No. 1 for the entry “Shri V. P. Joher” the entry “Shri D. D. Sharma” shall be substituted.

[No. 7-13/66-Credit.]

V. V. NATHEN, Dy. Secy.

(Department of Agriculture)

New Delhi, the 5th December 1966

S.O. 3811.—The following draft of certain rules to amend the Curry Powder Grading and Marking Rules, 1956, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th December 1966.

Any objection or suggestions which may be received from any persons with respect to the said draft before the said date will be considered by the Central Government.

DRAFT RULES

- These rules may be called the Curry Powder Grading and Marking (Amendment) Rules, 1966.

2. In the Curry Powder Grading and Marking Rules, 1956, for the existing Schedule III, the following Schedule shall be substituted, namely:—

"SCHEDULE III
(See rules 3 and 4)

Grade designation and definition of quality of Curry Powder

Product	Maximum percentage of farinaceous matter.	Maximum percentage of salt	Maximum percentage of moisture	Maximum lead content p.p.m.	General Characteristics	
	1	2	3	4	5	6
Curry Powder*	10%	5%	10%	10	Curry Powder shall be prepared by grinding clean and wholesome spices, aromatic herbs and seeds such as black pepper, cinnamon, cloves, coriander, cardamom, Chillies, cuminseeds, fenugreek, garlic, ginger, mustard, poppy seeds, turmeric, mace, nutmeg, curry leaves white pepper, saffron and aniseed and shall contain not less than 85 per cent by weight of such ground powder. It may contain farinaceous matter and salt but neither farinaceous matter nor salt shall exceed the limit given in columns 2 and 3. If condiments, spices or aromatic herbs other than those enumerated above are ground and mixed, the nature of such added ingredient or ingredients shall be clearly marked on the label and such addition shall be in lieu of the farinaceous material and salt quota of 15 per cent. When passed through a standard sieve of 20 mesh per linear inch, (1 inch-2.54 cm.) not more than 5 per cent shall be retained on the sieve. The curry powder shall be free from dirt, be palatable with the characteristic flavour normally associated with the product.	

*May also be prepared for export only with ground spices not less than 70 percent by weight, farinaceous matter not more than 20 percent and salt not more than 10 percent."

[No. F.15-16/65-AM(Pt)]

S.O. 3812.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marketing) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Ghee Grading and Marketing Rules, 1938, the same having been previously published as required by the said section, namely:—

- These rules may be called the Ghee Grading and Marking (Amendment) Rules, 1966.
- In the Ghee Grading and Marking Rules, 1938, for sub-rule (1) of rule 5, the following sub-rule shall be substituted, namely:—

"(1) The grade designation mark shall be securely affixed to each sealed container of ghee:

Provided that if the Agricultural Marketing Adviser to the Government of India is satisfied that the quality of ghee packed by any person in any refinery with the aid of automatic filling and packing machines conforms to the provisions of rule 3 and that the requirement of

affixture of the grade designation mark under this sub-rule will cause undue hardship to such person, the Agricultural Marketing Adviser may, by order, permit such person to print the number of the Certificate of Authorisation issued to him under the General Grading and Marking Rules, 1937, the word "Agmark" and the grade of the ghee on the container of every package of ghee packed by him prominently and in such other manner as may be directed by the Agricultural Marketing Adviser and in cases where the container has been printed as aforesaid, such person shall be deemed to have complied with the provisions of this sub-rule."

[No. F. 12-5/66-AM.]

S.O. 3813.—The following draft of certain rules to amend the Goat Hair Grading and Marking Rules, 1960, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th December 1966.

Any objection or suggestion which may be received from any person with respect to the said draft before the aforesaid date will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Goat Hair Grading and Marking (Amendment) Rules, 1966.
2. In Schedule V to the Goat Hair Grading and Marking Rules, 1960, for words भारत की उत्पत्ति the words भारतीय उत्पाद shall be substituted.

[No. F. 18-43/66-AM.]

S.O. 3814.—The following draft of certain rules to amend the Wool Grading and Marking Rules, 1961, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th December, 1966.

Any objection or suggestions which may be received from any person with respect to the said draft before the aforesaid date will be considered by the Central Government.

DRAFT RULES

1. These Rules may be called the Wool Grading and Marking (Amendment) Rules, 1966.
2. In Schedule VII to the Wool Grading and Marking Rules 1961, for the words भारत की उत्पत्ति the words भारतीय उत्पाद shall be substituted.

[No. F.18-43/66-AM.]

CORRIGENDUM

New Delhi, the 5th December 1966

S.O. 3815.—In the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation, (Department of Agriculture) No. S.O. 2330 dated the 25th of July, 1966, published at page 2282 in the Gazette of India Part II, Section 3, Sub-section (ii) dated the 6th August, 1966, at page 2282, in the Schedule, in column 1,—

- (i) against item 1, for "Garble" read "Garbled";
- (ii) against item 3, for "TGEB (Tellicherry Garbled Extra Bold)", read "TG (Tellicherry Garbled)".

[No. F.18-3/66-AM.]
B. D. KAPUR, Under Secy.

(Department of Agriculture)

New Delhi, the 9th December 1966

S.O. 3816.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following amendments in the Schedule to the notification of the Government of India in the late Ministry of Agriculture No. S.R.O. 634-A dated 28th February, 1957, namely:

(1) In the said Schedule

(i) in Part I, General Central Service, Class III, for the entries under the heading "Exploratory Tubewells Organisation" the following entries shall be substituted, namely:

I	2	3	4	5
"All Posts having a scale of pay, the maximum of which does not exceed Rs. 300/-.	Superintending Engineer	Superintending Engineer	All	Chief Engineer
All posts having a scale of pay, the maximum of which exceeds Rs. 300.	Chief Engineer	Chief Engineer	All	Joint Secretary Department of Agriculture."

(ii) in Part II, General Central Service, Class IV for the entries under the heading "Exploratory Tubewells Organisation", the following entries shall be substituted, namely:—

I	2	3	4	5
"All posts	Superintending Engineer	Superintending Engineer	All	Chief Engineer

[No. 7-9/66-TW]

DINA NATH, Under Secy.

MINISTRY OF TRANSPORT AND AVIATION

(Department of Transport and Shipping)

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 5th December 1966

S.O. 3817.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints with effect from the 5th December, 1966, Shri K. C. Madappa, I.A.S. to be the Director General of Shipping, vice Dr. Nagendra Singh, I.C.S. transferred as Secretary to the President of India.

[No. 1-MA(32)/66.]

D. S. NIM, Dy. Secy.

MINISTRY OF INDUSTRY

(Indian Standards Institutions)

New Delhi, the 30th November 1966

S.O. 3818.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the India Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s) particulars of which are given in the Schedule hereto annexed, have been established during the period 16 October to 30 November 1966.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
1	2	3	4
1	IS: 551-1966 Marking system for grinding wheels (<i>revised</i>)	IS: 551-1954 Marking system for grinding wheels (<i>tentative</i>)	This standard specifies the system for marking grinding wheels and most of the abrasive products of various sizes, types and shapes. (price Rs. 1.50).
2	IS: 587-1965 specification for oil of geranium (<i>revised</i>).	IS: 587-1955 Specification for geranium oil	This standard prescribes the requirements and the methods of sampling and test for oil of geranium. The oil is used by the soap, cosmetics and pharmaceutical industries, in tobacco products and in perfumery. (Price Rs. 1.50).
3	IS: 737-1965 Specification for wrought aluminium and aluminium alloys, sheet and strips (for general engineering purposes) (<i>revised</i>)	IS: 737-1956 Specification for wrought aluminium and aluminium alloys, sheet and strip (for general engineering purposes)	This standard covers the requirements for four grades of wrought aluminium and eight grades of wrought aluminium alloys in the form of sheet and strip for general engineering purposes (Price Rs. 6.00).
4	IS: 1323-1966 Code of practice for oxy-acetylene welding for structural work in mild steel (<i>revised</i>)	IS: 1323-1959 Code of practice for oxy-acetylene welding for structural work in mild steel.	This Code covers the use of oxy-acetylene welding for structural work in mild steel. (Price Rs. 4.00).
5	IS: 1606-1966 Specification for automobile lamps (<i>revised</i>)	IS: 1606-1960 Schedule for automobile lamps.	This standard lays down the technical requirements and methods of tests for automobile lamps used for various purposes in an automobile, such as for head lights, interior lighting, side lighting, dash-board lighting (Price Rs. 5.00).
6	IS: 2096-1966 Specification for asbestos cement flat sheets.	..	This standard lays down the requirements regarding composition, dimensions and tests of asbestos cement flat sheets (compressed and uncomressed) intended for both interior and exterior uses (Price Rs. 3.00).
7	IS: 2500 (Part II)-1965 Sampling inspection tables Part II Inspection By Variables For Percent Defective.	..	This standard provides tables for single sampling plans for lot-by-lot inspection, when the inspection is done by variables. Besides, the formulae and the necessary tables for the construction of one's own single sampling plans are also given. (Price Rs. 6.50).
8	IS: 2751-1966 Code of practice for welding of mild steel bars used for reinforced concrete construction.	..	This standard lays down requirements for welding of mild steel round bars used for reinforced concrete work by manual metal arc and oxy-acetylene welding processes (Price Rs. 5.50).

(1)	(2)	(3)	(4)
9.	IS: 3083—1966 Code of practice for the processing of microfilms (silver halide).	..	This Code covers the processing of microfilms (silver halide) for short term use (general) and specifies additional requirements for that of microfilms for long term use (permanent value) (Price Re. 1·00).
10.	IS: 3156 (Part III)—1966 Specification for voltage transformers. Part III Protective Voltage Transformers (Electromagnetic type).	..	This standard gives special requirements and tests for electromagnetic voltage transformer for use with electrical protective devices (relays or trip coils) (Price Rs. 2·00)
11.	IS: 3221—1966 Sets for drawing instruments.	..	This standard specifies the types sizes and number of drawing instruments which comprise a set of drawing instruments of the following types : (a) Drawing Instrument Set—General, (b) Drawing Instrument Set—Engineers', and (c) Drawing Instrument Set—Utility. (Price Re 1·00).
12.	IS: 3259—1966 Methods for sampling of metal containers.	..	This standard prescribes the methods for sampling and the criteria for ascertaining the conformity of metal containers. Besides, it provides for change-over to tightened and reduced inspections. Broad outlines of controls to be exercised during the manufacture, for ensuring the requisite quality, have also been indicated. (Price Rs. 3·00).
13.	IS: 3452 (Part I)—1966 Specification for toggle switches Part I : General Requirements and Tests.	..	This standard prescribes general requirements and methods of tests for judging the mechanical, electrical and climatic properties of toggle switches (live operated quick-make quick break type) intended for use in electronic and telecommunication equipment. (Price Rs 4.50).
14.	IS: 3460—1966 Specification for knurled nuts.	..	This standard prescribes the requirements for two types of knurled nuts, type A and type B, in the diameter range 1·6 to 10 mm with ISO metric threads. (Price Re 1·00).
15.	IS: 3464—1966 Methods of test for plastic flooring and wall tiles.	..	This standard covers the methods for carrying out the various tests on flexible PVC flooring, PVC (vinyl), asbestos floors tiles and polystyrene wall tiles. (Price Rs. 5·00).
16.	IS: 3485—1966 Specification for plain ring gauges.	..	This standard specifies the overall dimensions and other requirements for plain ring gauges for sizes up to 250 mm, for general gauging purpose. (Price Rs. 2·00).

(1)	(2)	(3)	(4)
17.	IS: 3493—1965 Methods of sampling and test for organic pigments.	..	This standard prescribes the methods of sampling and test for organic pigments. (Price Rs. 5.00).
18.	IS: 3513 (Part IV)—1966 Specification for high and medium density wood-based laminates (compreg). Part IV Sampling and Tests	..	This standard covers methods of sampling and testing for compreg used for electrical, chemical and general purposes. (Price Rs. 1.50).
19.	IS: 3517—1965 Specification for cotton linters.	..	This standard prescribes the requirements and the method of sampling and test for cotton linters. (Price Rs. 3.50).
20.	IS: 3518—1966 Specification for chemical cotton for viscose and cellulose acetate.	..	This standard prescribes the requirements and the methods of sampling and tests for chemical cotton for use in the manufacture of (a) viscose and (b) cellulose acetate. (Price Re 1.00).
21.	IS: 3519—1965 Methods of sampling and test for chemical cotton.	..	This standard prescribes the methods of sampling and test for chemical cotton. (Price Rs. 5.50).
22.	IS: 3522—1966 Methods for estimation of common preservatives used in textile industry.	..	This standard prescribes methods for estimating common preservatives used in textile industry. (Price Rs. 4.50).
23.	IS: 3553—1966 Specification for watertight electric lighting fittings.	..	This specification covers electric lighting fittings which prevent entry of water and are designed for use at supply voltage not exceeding 250 volts and for the enclosure of tungsten filament or electric discharge lamps. (Price. Rs. 3.00).
24.	IS: 3562—1965 Specification for <i>p</i> -nitrotoluene, technical.	..	This standard prescribes the requirements and the methods of sampling and test for <i>p</i> -nitrotoluene technical. (Price Rs. 4.50).
25.	IS: 3568—1966 Specification for round nose pliers.	..	This standard covers requirements for the following two types of round nose pliers: (a) Round, short nose pliers, and (b) Round, long nose pliers. (Price Rs. 1.50).
26.	IS: 3574 (Part I) 1965 Specification for organic pigments for paints. Part I Azo Pigments ('Toluidine Red; Chlorinated <i>p</i> -Nitroaniline Red; Arylamide Yellows; and Para Red)	..	This standard prescribes the requirements and the methods of sampling and test for five organic pigments, namely, toluidine red, chlorinated <i>p</i> -nitroaniline red, arylamide de yellow G and 10 G and para red used in paints and allied industries. (Price Rs. 1.50).

(1)

(2)

(3)

(4)

27. IS: 3584—1966 Specification for camphor	..	This standard prescribes the requirements and the methods of sampling and test for camphor largely used in trade and industry. This material is used in the manufacture of celluloid, films and in pharmaceutical preparations. It is also used as an incense in religious ceremonies and for other domestic purposes (Price Rs. 3·00).
28. IS: 3590—1966 Specification for load bearing lightweight concrete blocks.	..	This standard covers requirements for load bearing lightweight concrete blocks made from portland cement and lightweight aggregates for use in the construction of concrete masonry walls. (Price Rs. 3·50).
29. IS: 3603—1966 Specification for seamless aluminium containers	..	This standard prescribes the requirements and methods of sampling and test for seamless aluminium containers up to 1000 ml capacity. (Price Re. 1·00).
30. IS: 3606—1966 Specification for disc. harrow, animal drawn.	..	This standard prescribes the requirements for the disc harrow with two gangs of discs and generally drawn by a pair of animals. (Price Rs. 2·50).
31. IS: 3612—1966 Classification and methods for measuring capacity of crushing and grinding equipment.	..	This standard covers definition of various terms, classification, nomenclature, sizes and methods of measuring capacity of crushing and grinding equipment. (Price Rs. 1·50).
32. IS: 3616—1966 Recommendation on the international system (SI) units.	..	This standard lays down the basic and derived units of the International System (SI) Units. (Price Rs. 3·50).
33. IS: 3618—1966 Specification for phosphate treatment of iron and steel for protection against corrosion.	..	This standard covers the processing of iron and steel to produce coatings consisting essentially of metal phosphates that are intended to be used in conjunction with organic coatings for protection against corrosion. (Price Rs. 3·00).
34. IS: 3619—1966 Specification for wooden staves for cotton healds.	..	This standard prescribes the requirement of wooden staves for cotton healds. (Price Re 1·00).
35. IS: 3620—1966 Specification for laterite stone block for masonry.	..	This standard lays down the requirements for dimensions, physical properties and workmanship for rectangular blocks of laterite stone for use in masonry work. (Price Re 1·00).
36. IS: 3623—1966 Specification for guide and rubbing ropes.	..	This standard covers round rod and locked coil guide and rubbing ropes. (Price Rs. 2·50).

(1)	(2)	(3)	(4)
37.	IS: 3624—1966 Specification for bourdon tube pressure and vacuum gauges.	..	This standard covers the requirements of indicating type pressure gauges, vacuum gauges, and combined pressure and vacuum gauges of the bourdon tube type having a circular dial for industrial use. This standard also includes the requirements of test gauges. (Price Rs. 6.00).
38.	IS: 3625—1966 Specification for warp tubes for use on alu- minium plug type spindles.	..	This standard prescribes the requirements of warp tubes of open-top and rolled-in-top types used in spinning and doubling frames. These tubes are suitable for use on aluminium plug type spindles with spring grips. (Price Rs. 2.00).
39.	IS: 3626—1966 Specification for locked coil winding ropes.	..	This standard covers locked coil wire ropes used for winding purposes in mines. (Price Rs. 3.00).
40.	IS: 3634—1966 Specification for dust applicator for burrows.	..	This standard prescribes the materials of construction, performance requirements, and the methods for testing the performance of the dust applicator for introducing pesticides in the dust form in burrows. (Price Rs. 2.00).
41.	IS: 3635—1966 Method of test for temperature coefficient of precision resistor wire.	..	This standard describes a procedure for determining the change of resistance with temperature of alloy-wire (including material of non-circular section) used for resistance standards and precision resistors for electrical apparatus (Price Rs. 2.50).
42.	IS: 3638—1966 Application guide for gas-operated relays.	..	This guide covers application of gas-operated relays covered by IS: 3637—1966 intended for use in the connecting passage of oil between the main tank of an oil immersed electrical apparatus and its oil conservator vessel. (Price Rs. 2.00).
43.	IS: 3651—1966 Specification for vernier calipers.	..	This standard covers the requirements for three types, A, B and C of vernier calipers for external and internal measurement up to 1000 mm and with a vernier accuracy of 0.05 mm. (Price Rs. 3.00).
44.	IS: 3653—1966 Dimensions for forged end type rigid/couplings.	..	This standard covers the dimension for forged end type rigid couplings suitable for use with shafts in the diameter range 35 mm to 620 mm. (Price Re 1.00).
45.	IS: 3662—1966 Specification for insulated aluminium milk stor- age tanks.	..	This standard prescribes the requirements for insulated vertical cylindrical tanks of 2,000 litres capacity and horizontal tanks of 5,000, 10,000 and 15,000 litres capacities. (Price Rs. 2.50).

(1)	(2)	(3)	(4)
46. IS: 3664—1966 Code of practice for ultrasonic testing by pulse echo method (direct contact)	..	This code of practice lays down the method for testing of sonic conducting materials for internalinhomogeneities or discontinuities by ultrasonic reflection method, using pulsed ultrasonic waves introduced by the direct contact of the search unit with the material under test. (Price Rs. 2.00).	
47. IS: 3666—1966 Tests for foundry core oils requiring baking.	..	This standard prescribes the tests for core oils and liquid core binders utilized in the foundry with a view to evaluating their merits under standard conditions (Price Re 1.00).	
48. IS: 3669—1966 Specification for melamine formaldehyde moulding materials.	..	This standard prescribes the requirements and the methods of sampling and test for cellulose filled melamine formaldehyed moulding materials. (Price Re. 1.00).	
49. IS: 3670—1966 Code of practice for construction of timber floors	..	This standard covers the fabrication and laying of timber floors and their relevnt components. (Price Rs. 4.50).	
50. IS: 3673—1966 Specification for alkali resistant paper.	..	This standard prescribes the requirements and the methods of asampling and test for alkali resistant paper. (Price Re 1.00).	
51. IS: 3682—1966 Specification for flameproof alternating current motors for use in mines.	..	This standard covers flameproof ac motors designed for use in mines and having insulated windings with class A, E and B insulation. (Price Rs. 2.50).	
52. IS: 3690—1966 Specification for glass wool mats for thermal insulation.	..	This standard prescribes the requirements and the methods of sampling and test for glasswool mats used for thermal insulation. (Price Rs. 2.00).	

Copies of these Indian Standards are availale, for sale, with the Indian Standards Institute Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7 (ii) Third Fourth Floors 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2, and (iv) 117/418-B Sarvodaya Nagar, Kanpur.

[No. MD 13:2]

New Delhi, the 1st December 1966

S.O. 3819.—The article covered by licence No. CM/L-1341 held by The Aluminium Industries Ltd, Kundara, the details of which are given in the Notification published under S.O. 3299 in the Gazette of India, Part II, Section 3(ii) dated 5th November 1966, has been amended as under:

Weatherproof Polythene Insulated, Taped, Braided and Compounded Cables with Aluminium Conductors only of the following types:

- (i) Single Core, 650/1 100 Volts,
- (ii) Twin Core Flat, 250/440 Volts.

[No. MD/12:2333-A]

S. K. SEN,
Deputy Director General.

ORDER

New Delhi, the 12th December 1966

S.O. 3320/IDRA/6/2/66.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled Industries engaged in the manufacture or production of Inorganic Chemicals, in place of members appointed under the Government of India, Ministry of Commerce and Industry Order No. S.O. 2078 IDRA/6/8, dated the 19th July, 1963, as amended from time to time, whose term of office has expired by efflux of time or otherwise:—

Development Council for Inorganic Chemical Industries.

1. Shri C. R. Ranganathan,
Executive Director,
The Fertilizer Association of India Ltd.,
85, Sunder Nagar,
New Delhi.—Chairman.
2. Shri Darbari Seth,
M/s. Tata Industries Ltd.,
Bombay House,
Bombay-1.
3. Shri M. D. Vijayaraghavan,
M/s. Dorr Oliver India Ltd.,
16, Queen's Road, Estate,
Bombay-1.
4. Dr. C. C. Shroff,
M/s. Excell Industries Ltd.,
184-87 Godh Bunder Road,
Jegeshwari, *Bombay-60.*
5. Shri J. L. Thakkar,
M/s. Dharamsi Morarji Chemicals Co. Ltd.,
Amarnath (Maharashtra).
6. Shri O. P. Kharbanda,
Larsen & Toubre Ltd.,
Ballard Estate,
Bombay-1.
7. Shri N. Bhanu Prasad,
28, Sarojini Devi Road,
Secunderabad (DN)-26.
8. Shri John K. John,
M/s. Parrv & Co. Ltd.,
P.B. No. 12,
Madras-1.
9. Shri R. V. Ramani,
Mettur Chemicals,
Madras.
10. Shri S. K. Vakil,
Works Manager,
M/s. Saurashtra Chemicals Ltd.,
Porbander (Gujarat).
11. Shri B. Kamdar,
M/s. Digvijay Salt Works,
Jamnagar (Gujarat).
12. Shri S. K. Birla,
Birla Brothers Pvt. Ltd.,
15, India Exchange Place,
Calcutta-1.
13. Shri P. R. Biyani,
M/s. Jayshree Chemicals,
14, Netaji Subhas Road,
Calcutta-1.

14. Dr. M. Santappa,
Professor.
Dept. of Physical Chemistry,
A. C. College of Technology, Buildings,
Guindy,
Madras-35.
15. Shri Paul Pothan,
Fertilizers & Chemicals (Travancore) Ltd.,
P.O. Udyogmandal (Kerala).
16. Managing Director,
M/s. Hindustan Salts Ltd.,
Jaipur (Rajasthan).
17. Shri K. C. Sharma,
Fertilizer Corporation of India Ltd.,
Unit Sindri (Bihar).
18. Dr. G. S. Kasbekar,
Managing Director,
Hindustan Organic Chemicals,
P.O. Rasayani, Dist. Colaba (Maharashtra).
19. Shri Bazle Karim,
Industrial Adviser,
Govt. of Jammu & Kashmir,
Srinagar.
20. Shri K. J. George,
Director (Foreign Investment and Collaboration),
Ministry of Industry,
New Delhi.
21. Shri G. S. Sial,
Director,
State Trading Corporation,
New Delhi.
22. Dr. K. S. G. Doss,
Director,
Central Electro Chemical Research Institute,
Karaikudi (Madras).
23. Dr. H. S. Shah,
Director (Chemicals),
Development Commissioner,
S.S.I., New Delhi.
24. Dr. K. N. Singhal,
Dept. of Agriculture,
Ministry of Food & Agriculture,
New Delhi.
25. Shri S. Samaddar,
Deputy Secretary,
Ministry of Petroleum and Chemicals,
(Dept. of Chemicals),
New Delhi.
26. Shri K. D. Jain,
Development Officer (Alkalies),
D.G.T.D., New Delhi.

2. Shri K. D. Jain, Development Officer, D.G.T.D., New Delhi, is hereby appointed to carry on the functions of the Secretary to the said Development Council.

[No. 2(3)/Dev. Council/65-L.C.]

R. C. SETHI, Under Secy.

MINISTRY OF WORKS, HOUSING AND URBAN DEVELOPMENT

(Directorate of Estates)

(Policy Cell)

New Delhi, the 19th November 1966

S.O. 3821.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following further amendments to the Allotment of

Government Residences (General Pool in Delhi) Rules, 1963, published with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Works and Housing) No. S.O. 1330 dated the 6th May, 1963 namely :—

1. (1) These rules may be called the Allotment of Government Residences (General Pool in Delhi) Amendment Rules, 1966.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, in S.R. 317-B-15, after sub-rule (4), the following sub-rule shall be added, namely :—

"(5) An officer who, after accepting a change of residence fails to take possession of the same, shall be charged rent for such residence in accordance with the provisions of sub-rule (1) of S.R. 317-B-12 in addition to the normal rent under FR-45-A for the residence already in his possession, the allotment of which shall continue to subsist."

[No. 3/41/63-Acc.]

K. C. JOSHI, Dy. Secy..

MINISTRY OF EDUCATION

ARCHAEOLOGY

New Delhi, the 2nd December 1966

S.O. 3822.—Whereas the Central Government is of opinion that the areas near or adjoining the protected monument specified in the Schedule attached hereto, be declared to be a prohibited area for purposes of construction.

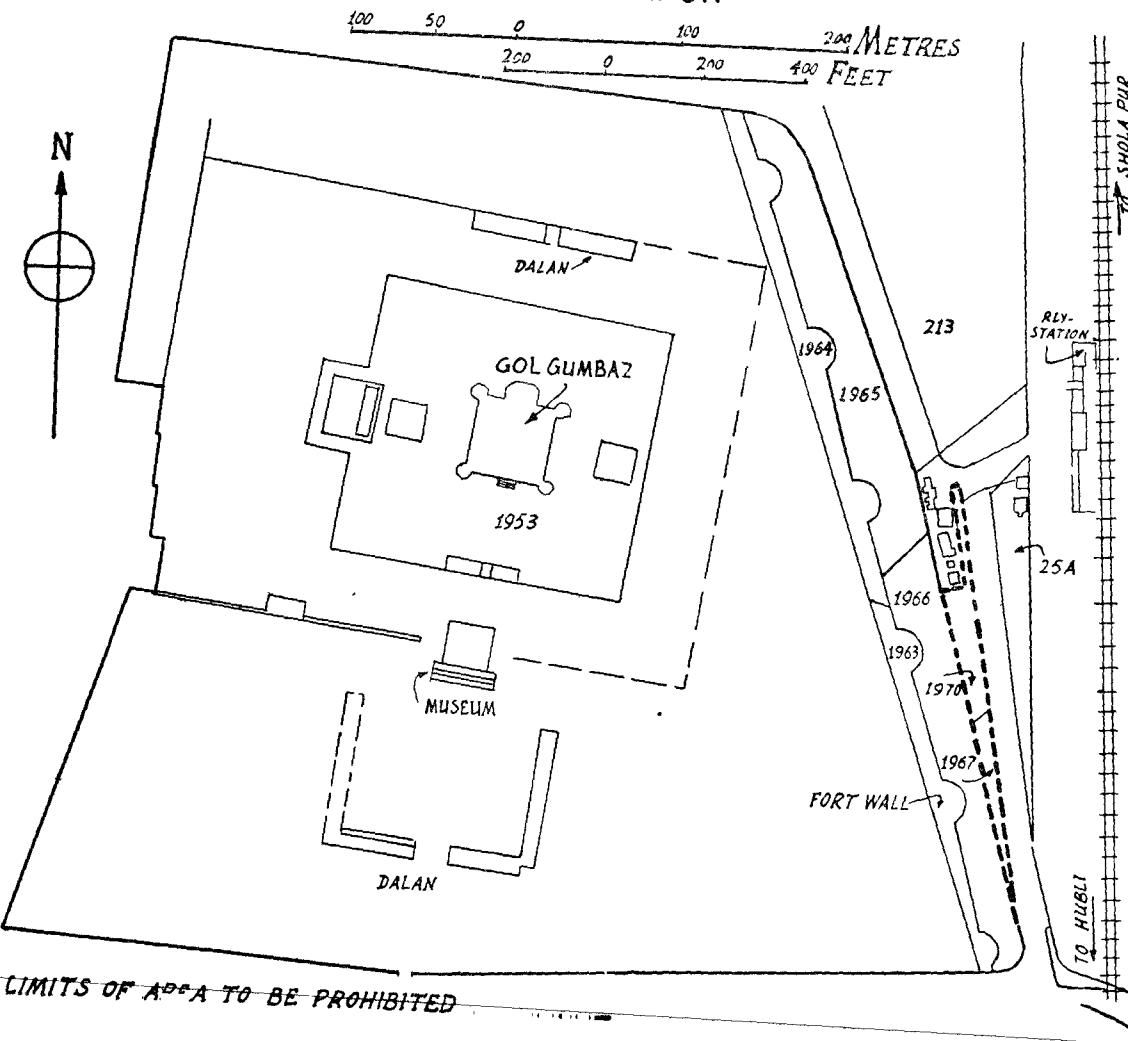
Now, therefore, in exercise of the powers conferred by rule 31 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby gives notice of its intention to declare the said area as a prohibited area.

Any objection made, within one month of the date of issue of this notification, by any person interested in the said area will be considered by the Central Government.

THE SCHEDULE

Sl. No.	State	District	Tehsil/ Taluk	Locality	Name of monument	Revenue plot numbers to be declared pro- hibited	Area	Ownership	Details of modern cons- truction if any in the area to be declared prohibited	Remarks
1	2	3	4	5	6	7	8	9	10	11
I.	Mysore	Bijapur	Bijapur	Bijapur	Fort wall near Gol Gumbaz.	Part of survey plot Nos. 1970 and 1967 as shown in the plan repro- duced below.	25 Guntas of survey plot No. 1970 and 10 Guntas of survey plot No. 1967.	Survey plot No. 1970— Taluka Deve- lopment Board and Municipa- lity and survey plot No. 1967 —Harve Sab- pati.	Nil	The total areas of survey plot Nos. 1970 and 1967 are one Acre and four Guntas and eightAcres and four Guntas respectively.

SITE PLAN OF GOL-GUMBAZ BIJAPUR



[No. F. 4-28/66-CAI(1).]
(Mrs.) SHARDA RAO,
Assistant Educational Adviser.

MINISTRY OF IRON AND STEEL

New Delhi, the 8th December 1966

S.O. 3823.—Ess.Comm/Iron R. Steel.—In exercise of the powers conferred by clause 2A of the Iron and Steel (Control) Order, 1956, as amended from time to time, the Central Government hereby exempts the categories of steel specified in the schedule annexed hereto from the provisions under clauses 4, 5, 18 and 20 of the said Order:

Provided that :—

- (i) All disposals and acquisitions are effected within India;
- (ii) In disposing of these categories of steel, producers, stockholders and Scrap merchants shall give preference to parties submitting indent supported by valid Quota Certificates, permits issued by State Steel Licensing Authorities, or other authorisations or written Orders from the Iron and Steel Controller; and
- (iii) All producers, stockholders and Scrap merchants dealing with these categories of steel shall submit such returns regarding their production, stocks, sales and disposal as the Controller may require under Clause 12 of the said Order :—

SCHEDULE

1. Hot Rolled Strips (other than skelp) of 3·15 mm to 5 mm. and Hot Rolled Black Plain Sheets of 3·15 mm to 5 mm in coils.
2. Hot Rolled Black Plain Sheets of 3·15 mm to 5 mm in straight lengths.
3. Defective materials of the above categories.

[No. SC(I)-5(6)/66]

P. P. CAPRIHAN, Dy. Secy:

CENTRAL ELECTRICITY AUTHORITY

New Delhi, the 9th November 1966

S.O. 3824.—On his reversion to the Mysore State Electricity Board Shri S. Govindappa relinquished charge of the post of Assistant Director, Southern Regional Electricity Board, Bangalore on the afternoon of the 31st October, 1966.

[No. 5/4/64-CEA(Adm. I).]

M. M. DHAWAN, Under Secy.
for Chairman.

DEPARTMENT OF COMMUNICATIONS

(P & T Board)

New Delhi, the 7th December 1966

S.O. 3825.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 23rd December, 1966, as the date on which the Measured Rate System will be introduced in Nangloi Telephone Exchange.

[No. 5-57/66-PHB.]

D. R. BAHL,
Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 13 दिसम्बर 1966

एस० ओ० 3826.—स्थाई आदेश क्रम संख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने नांगलोई टेलीफोन केन्द्र में 23-12-66 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[5-57/66-पी० एच० बी०]

डी० आर० बहल,
सहायक महानिदेशक (पी० एच० बी०)

S.O. 3827.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 24th December, 1966 as the date on which the Measured Rate System will be introduced in Bahadurgarh Telephone Exchange.

[No. 5-57/66-PHB.]

D. R. BAHL,
Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली 13 दिसम्बर 1966

एस० ओ० 3828.—स्थाई आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बहादुरगढ़ टेलीफोन केन्द्र में 24-12-66 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[5-57/66-पी० एच० बी०]

डी० आर० बहल,
सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 7th December 1966

S.O. 3829.—Whereas the proceedings with regard to the certification of the draft standing orders in respect of the various projects of the National Projects Construction Corporation Limited are pending with the Regional Labour Commissioner (V), Delhi;

And whereas Shri D. Panda, the said Regional Labour Commissioner (V) has since been transferred to Jabalpur as the Regional Labour Commissioner(C), Jabalpur;

Now, therefore, in exercise of the powers conferred by clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government, being the appropriate Government for the purposes of the said

Act in respect of the National Projects Construction Corporation Limited hereby, appoints Shri D. Panda as the Certifying Officer and authorises him to continue to deal with the Certification of the said draft standing orders and certify the same as Regional Labour Commissioner (C), Jabalpur.

[No. F. 23/19/66-LR-I.]

S.O. 3830.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Presiding Officer, Central Government Labour Court, Dhanbad, in the matter of an application under section 33A of the said Act, from Shri Ali Mohammad, represented by Shri Arjun Prasad Pandey, Joint Secretary, Ranchi District Bauxite and China Clay Mines Employees' Union, Ranchi, which was received by the Central Government on the 29th November, 1966.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT AT DHANBAD
In the matter of an application under Section 33A of the Industrial Disputes Act, 1947.

APPLICATION NO. LC. 3 OF 1966

PARTIES:

Ali Mohammad.—Applicant.

Versus.

- (1) The Aluminium Corporation of India Ltd., Bauxite Mines, Lohardaga, Head Office: Calcutta; and
- (2) J. K. Industries Private Limited, 7, Council House Street, Calcutta—1.
—Opposite parties.

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES:

For the applicant.—The applicant in person and through Shri Arjun Prasad Pandey, Joint Secretary, Ranchi District Bauxite and China Clay Mines Employees' Union, Ranchi.

For the opposite parties.—Shri D. Prakash, Officer of the Managing Agents.

STATE: Bihar.

INDUSTRY: Aluminium and Bauxite.

Dhanbad, dated the 25th November 1966

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act'), alleging that pending his application, LCS. 4 of 1965 under Section 13A of the Industrial Employment (Standing Orders) Act, 1946, the opposite parties proceeded with the domestic enquiry and dismissed the complainant. The opposite parties have not disputed the facts, but filed their written statement taking several objections of law and facts against sustainability of the complaint. The preliminary objection raised by the opposite parties is that the complaint cannot sustain, inasmuch as dismissal of the complainant pending his application under Section 13A of the Industrial Employment (Standing Orders) Act, 1946 was not a contravention of the provision of Section 33 of the Act. As this objection hits at the very roots of the complaint, I propose to deal with it before embarking on enquiry in respect of allegations contained in the complaint.

2. Section 33A only provides for preferring a complaint against an employer, who contravenes the provisions of Section 33 of the Act. Section 33 runs as follows:

'33. *Conditions of service, etc., to remain un-changed under certain circumstances during pendency of proceedings.*—(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall:—

- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workmen concerned in such dispute,

save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute, or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman,—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceedings; or

(b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman:

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute—

(a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings; or

(b) by discharging or punishing, whether by dismissal or otherwise, such protected workman,

save with the express permission in writing of the authority before which the proceeding is pending.

Explanation.—For the purposes of this sub-section, a 'protected workman', in relation to an establishment, means a workman who, being an officer of a registered trade union connected with the establishment, is recognized as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be recognized as protected workmen for the purposes of sub-section (3) shall be one per cent., of the total number of workmen employed therein subject to a minimum number of five protected workmen and a maximum number of one hundred protected workmen and for the aforesaid purpose, the appropriate Government may make rules providing for the distribution of such protected workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognized as protected workmen.

(5) Where an employer makes an application to a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, as expeditiously as possible, such order in relation thereto as it deems fit.”

The essence of the Section is that an employer is prohibited from committing any of the acts mentioned in the Section during the pendency before an arbitrator or Labour Court or Tribunal or National Tribunal of any proceeding in respect of an industrial dispute. It is not to be lost sight of that the proceeding must be in respect of an industrial dispute. According to the complainant he was dismissed from service while his application under Section 13A of the Industrial Employment (Standing Orders) Act, 1946 was pending before this Labour Court. The question calling for consideration is whether pendency of the application under Section 13A of the Industrial Employment (Standing Orders) Act, 1946 is a “proceeding in respect of an industrial dispute.”

3. It is argued for the complainant that under Section 7 read with Schedule II of the Act it is a “proceeding in respect of an industrial dispute.” Section 13A of the Industrial Employment (Standing Orders) Act, 1946 is as following:—

“13-A. Interpretation, etc., of standing orders.—If any question arises as to the application or interpretation of a standing order certified under this Act, any employer or workman may refer the question to any

one of the Labour Courts constituted under the Industrial Disputes Act, 1947, and specified for the disposal of such proceeding by the appropriate Government by notification in the Official Gazette, and the Labour Court to which the question is so referred shall, after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties.”.

The Section provides for a reference to the Labour Court by any employer or workman for decision of any question regarding application or interpretation of a Standing Order. There is a similar provision, Section 36A of the Act, providing for a reference to the Labour Court or Tribunal or National Tribunal by the appropriate Government for decision of any question regarding the interpretation of any provision of an Award or settlement. To facilitate comparison Section 36A of the Act is quoted below:—

“36-A. Power to remove difficulties.—

- (1) If in the opinion of the appropriate Government, any difficulty or doubt arises as to the interpretation of any provision of an award or settlement, it may refer the question to such Labour Court, Tribunal or National Tribunal as it may think fit.
- (2) The Labour Court, Tribunal or National Tribunal to which such question is referred shall, after giving the parties an opportunity of being heard, decide such question and its decision shall be final and binding on all such parties.”.

The High Court of Patna had an occasion to consider if a proceeding under Section 36A of the Act could be construed as “proceedings in respect of the industrial dispute” within the meaning of section 33 of the Act, in *Sendra Bansjora Colliery (Private) Limited versus Shantilal M. Bhatt and another* [1963 (II) L.L.J. 331]. On a review of relevant provisions of the Act it is observed at page 334, “in our opinion, a proceeding pending under Section 36A of the Act is not a proceeding in respect of an industrial dispute within the meaning of Section 33(1) or Section 33(3) of the Act The legal test for judging whether a reference is ‘in respect of’ an industrial dispute is whether the reference is substantially or in its nature and character a reference with regard to an industrial dispute. In the present case we are of opinion that the reference made by the Central Government under Section 36A is not a reference ‘in respect of’ an industrial dispute, but a reference in regard to the interpretation of an award.”.

When a reference under Section 36A of the Act is only a reference regarding interpretation of an award and not a reference “in respect of an industrial dispute”, a reference under Section 13A of the Industrial Employment (Standing Orders) Act, 1946 also cannot be a reference “in respect of an industrial dispute”. It is purely a reference of a question as to the application or interpretation of a standing order. Consequently pendency of an application under Section 13A of the Industrial Employment (Standing Orders) Act, 1946 cannot be a “proceeding in respect of an industrial dispute” within the meaning of Section 33 of the Act. Therefore, present complaint cannot sustain.

4. When the complaint itself cannot sustain no useful purpose could be served by proceeding further.

5. The complaint is, therefore, dismissed as not sustainable. Considering the circumstances of the case no order is passed as to costs.

6. Dictated to the Stenographer, transcribed by him and corrected by me.

Sd./- N. VENKATA RAO,

Presiding Officer,

Central Government Labour Court, Dhanbad.

[No. 24/59/66-L.R.I.]

New Delhi, the 8th December 1966

S.O. 3831.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act, from Shri Gangaram Atmaram and his wife Shrimati Deoki, mine workers of Messrs Best Mineral (Private) Limited, Chargaon Mine, Tahsil Ramtek, District Nagpur, which was received by the Central Government on the 30th November, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Complaint under Sec. 33A of The Industrial Disputes Act, 1947.

COMPLAINT No. 4 OF 1963

(Arising out of Ref. No. 6 of 55)

(1) Shri Gangaram Atmaram, and (2) Shrimati Deoki, w/o Gangaram, residents of Chargaon Mine, Tahsil Ramtek, Distt. Nagpur—Complainants.

Vs.

General Manager, M/s. Best Mineral Private Ltd., Chargaon Mine, Tahsil Ramtek, Head Office, Giri Peth, Nagpur—Opposite Party.

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Complainants—Shri N. H. Kumbhare, Advocate, and W. B. Sagadeo, General Secretary of the Union along with the two complainants who were also present in person.

For the Opp. Party—Shri B. A. Udhaji, Advocate.

STATE: Maharashtra.

INDUSTRY: Manganese Mine.

Nagpur, dated the 30th August, 1966.

AWARD

This complaint was made on 9th January 1963 by Shri Gangaram Atmaram and his wife, Shrimati Deoki, Mine Workers of Chargaon Mine, Tahsil Ramtek, Distt. Nagpur, against M/s. Best Mineral (P) Ltd., Chargaon Mine, Nagpur, in Reference No. 6 of 1955, complaining that they had been dismissed illegally and arbitrarily on 25th October 1961 by the opposite party, and, therefore their dismissals be set aside and they be reinstated to their previous jobs with full back wages.

2. The opposite party filed a rejoinder on 26th March 1963 in which the case of the management was that the complainants had put in total service of about only 8 years, and not 12 years, prior to their dismissal; that this Tribunal has no jurisdiction to deal with Reference No. 6 of 1955 because the Tribunal presided over by Shri P. S. Bindra cannot be treated as pending before this Tribunal; that on 30th September, 1961 a chargesheet was issued against the two complainants separately to which they separately replied and their replies are Ext. M by Gangaram and Ext. M-1 by Deoki; Shri Bhide was asked by the management to hold enquiry Ext. M-2 on 21st October 1961 and the enquiry was held on 21st October 1961 by Shri Bhide who submitted his enquiry report Ext. M-7 = Ext. M-24 on 24th October 1961; that at the enquiry both the complainants togetherwith the Secretary of the Union representing them were present and out of the four witnesses examined by the management Shyamal Ext. M-6 and M-14; Parasal Babu Ext. M-15; Dayalal Ext. M-16 and Satyadeo Ext. M-17 only Shyamal was cross examined by Gangaram and the cross examination of the other three witnesses was declined; that the complainant examined a defence witness Kisun Ext. M-20 and the two complainants were also examined and their statements are Exts. M-18 and M-19; that at the said enquiry the complainants were found guilty of misconduct and, therefore, they were dismissed on 24th October, 1961 by two separate letters Exts. M-8 and M-9; that the Government by a letter dated 27th January 1962 Ext. M-10 did not consider the case to be fit for reference to an Industrial Tribunal and, therefore, it was submitted that the dismissals of the complainants were justified, and, therefore, they were not entitled to any relief.

3. On behalf of the two complainants certain documents were filed in support of their case. The first document was a judgement of a Criminal Court dated 21st August 1962 Ext. W, which shows that these two complainants were prosecuted under Sec. 448 I.P.C.; and the management's witness Dayalal (Ext. M-16) was examined as PW 2; Parasal Singh (Ext. M 15) was examined as PW 4; Shyamal (Ext. M 6 and M 14) was examined as PW 6, but their evidence was rejected by

the Magistrate and both the complainants were given benefit of doubt and acquitted; Ext. W 1 is a letter by the C.O. (C) dated 20th September 1961 to the management asking for joint discussions regarding reinstatement of Smt. Deoki, complainant No. 2; Ext. W is a letter from the union to the C.O. (C) regarding both complainants informing that no conciliation was held and a reference is made to the Criminal case judgement where they were acquitted; Ext. W 3 is a letter by Deoki, complainant No. 2, to the Manager sent on 27th September 1961 stating her case and praying for reinstatement; Ext. W 4 is a certificate of posting of the letter Ext. W 3.

4. The original enquiry papers were also filed by the management which were marked Exts. M 11 to M 22. Ext. M 11 was the Ordersheet of the enquiry Officer.

5. When the case was taken up, the complainants were represented by Sarvashri N. H. Kumbhare, Advocate and W. D. Sagadeo, General Secretary of the Union, and the management opposite party were represented by Shri B. A. Udhoji, Advocate.

6. Documents filed on behalf of the complainants were marked Exts. W to W 4 and those filed by the management were marked Exts. M to M 24. On behalf of the complainants both of them were present in person but on their behalf Shri W. D. Sagadeo, General Secretary of the Union, was examined as W. W. 1 as a witness and he was cross examined by the management. No witness was examined on behalf of the management.

7. On behalf of the complainants it was contended by Shri Kumbhare that the domestic enquiry was vitiated because Sitaram Ext. M 21 was shown as a defence witness but he is not a defence witness at all and further that all the depositions of witnesses were signed by Shri Sagadeo also who was present throughout the enquiry but his signature appears, as admitted by him before the Tribunal, only on Exts. M 18, M 19 and M 11, and not on others, and, therefore, it appears that those documents which bore his signature and which proved their genuineness have been suppressed and have been substituted by faked ones, and, as such the enquiry should be held to be unfair and not proper and should be rejected. It was further contended that it is wrong to say, as recorded in the ordersheet Ext. M 11, that the complainants agreed to their joint trial and it is also not correct to say that Shri Sagadeo got the thumb impressions of the complainants below the said ordersheet in token of the fact that the ordersheet was correctly recorded because it was never read out at all nor he was allowed to read it and as such Shri Sagadeo or the complainants, who are, of course, illiterate, do not accept the correctness of what is recorded in the ordersheet regarding the joint trial, and, therefore, it was contended that the joint trial has very much prejudiced the complainants in as much as it will appear that there is practically no evidence against Deoki in that Shri Dayalal M 16, who is the person who is alleged to have been assaulted, does not at all speak of being abused or assaulted by a stick by her, but he speaks only of being assaulted by fist but this fact has not been considered by the Enquiry Officer and this makes the report of the Enquiry Officer entirely perverse and as such it should be rejected.

8. It appears from Ext. W, the Judgment of the Criminal Court, that Deoki, Complainant No. 2, was on leave from 5th June 1961 as she was pregnant and she delivered a child on 2nd July 1961, and, therefore, she should have joined duty on 3rd August 1961 but she remained absent till 11th August 1961 without obtaining further sanction of leave and therefore the management discontinued her services and she was not permitted to join her duties. Thereafter, Deoki represented her case to the Conciliation Officer and on his advice the management agreed to re-employ her in the Company and as per settlement on 25th September 1961, Deoki came to the office of the management to receive the attendance Card from the Manager on 26th September 1961, but the Manager, Shri Prashar ordered that she should join on 27th September 1961. On 27th September 1961 Deoki again went to the office for the attendance card and the Manager directed the Attendance Clerk to issue it to her but the Attendance Clerk asked her to give acknowledgment which she refused and then on 29th September 1961 both Deoki and her husband Gangaram went to the office and demanded the attendance Card whereupon the Group Manager Dayalal asked them to give acknowledgments which they refused and then followed assault.

9. It further appears from the Criminal Court Judgment Ext. W that the two complainants reported the incident, which took place at 9-30 A.M. on 29.9.61 at 10-40 P.M. at the Police Station, whereas, Dayalal, who is alleged to have been assaulted by these complainants, reported the incident at 3 P.M. on that day, just

to counteract the situation as observed by the Magistrate. It further appears from para 6 of the judgment of the Criminal Court Ext. W that the medical evidence proved that Deoki Bai, complainant No. 2, had an injury on her left leg, viz., contusion measuring $2\frac{1}{4}$ " x $1\frac{1}{2}$ " x $3\frac{1}{2}$ " and similarly she had a contusion over her back on the left side measuring $6\frac{1}{2}$ " x $1\frac{1}{2}$ " and she also complained of pain on her buttock, and, therefore, the Magistrate observed that these injuries afford a strong evidence of the defence that Deokibai was beaten with a cane stick. The Magistrate further mentioned in para 6 of the judgment that the medical evidence also proved that Gangaram, Complainant No. 1, also had contusion on his back and the same also could have been caused by a blow of a cane stick and that it was also true that Dayalal (P.W. 2) had also injuries and his left glass of spects also was broken and there was also bleeding from his lips. The finding of the learned Magistrate is that the first blow must have been given from the side of the Officers of the Company who were reluctant to employ Deokibai on the work as appears from their previous orders which were cancelled due to the intervention of the Conciliation Officer and, therefore, Dayalal and others had a reason to be annoyed with Deokibai and it is not unnatural to believe that in the heat of sentiments and exchange of hot words they first assaulted the two accused, who are the two complainants before the Tribunal. The Magistrate, therefore, observed that the injuries of the two complainants have not been explained and as the three witnesses examined by the prosecution, namely, Dayalal, P. W. 2. Parasarssing; P. W. 4; and Shyamal P. W. 6 in the Criminal Case were highly interested against the two complainants it would be unsafe to rely upon their testimonies against the accused persons, and therefore, the Magistrate was of the opinion that the defence of the two accused, who are the complainants, is not an after-thought and therefore, both of them were acquitted by having been given the benefit of doubt.

Preliminary objection:

10. As regards the preliminary objection, I think there is no force of it. Reference 6 of 1955 was pending before the Central Govt. Industrial Tribunal, Dhanbad, of which Shri P. S. Bindra was then the Presiding Officer. When he went away, this reference was transferred to Shri G. Palit for disposal who was appointed Presiding Officer of the Tribunal and he was directed to proceed under Sec. 8 of the Act. He suddenly died in January 1961 and thereafter in his place Shri Salim M. Merchant was appointed Presiding Officer of the Tribunal and he also was authorised under Sec. 8 of the Act to dispose of all the cases of the Tribunal including Reference No. 6 of 1955. Before Shri Merchant this very objection was taken and he very elaborately dealt with the matter and after giving detailed reasons rejected this very objection and held that he had jurisdiction to adjudicate the industrial dispute in Reference No. 6 of 1955. Against that order, management went from one High Court to another and ultimately to the Patna High Court where two writ applications were filed and admitted and further proceedings in Reference No. 6 of 1955 were stayed. Only recently those writ applications were withdrawn by the parties and at their request the High Court referred the matter for arbitration to Shri D. Sanjivayya and with the withdrawal of the application the stay order was automatically vacated. Shri D. Sanjivayya has informed me that he has refused to arbitrate and has referred the matter to the Chief Labour Commissioner (Central), Delhi to see that the matter is settled. The matter, therefore, stands at that. Records of Reference No. 6 of 1955 are not with me on tour here and, therefore, I cannot mention the date of the order passed by Shri Salim M. Merchant rejecting this objection. On behalf of the management no such order has also been filed before the Tribunal. I have, however, read the entire order of Shri Salim M. Merchant and distinctly remember the facts as stated above. In this view of the matter, therefore, when this very objection taken on this very ground has been rejected before it is not open to the management to re-agitate the same point in the present complaint. Moreover, the present complaint was filed on 9th January 1963 before this Tribunal when I was its Presiding Officer and before whom Reference No. 6 of 1955 is still pending, and, therefore, I have every jurisdiction to decide this complaint. For these reasons, the preliminary objection is over-ruled.

On merits:

11. I have very carefully considered the arguments of both sides and perused the documents placed before me and after consideration of the enquiry papers I have no hesitation in holding that the enquiry was not fair, proper, and in accordance with the principles of natural justice and, therefore, it must be set aside.

12. The infirmities, from which this domestic enquiry suffers and some of which have been pin-pointed also on behalf of the complainants and which I have no reason to reject, may be summarised and considered as below:

(a) The joint enquiry against both Deoki and Gangaram has very seriously prejudiced Deoki and this is demonstrated by the domestic enquiry papers themselves. Deoki was charged, as will appear from Ext. M 13, for (i) giving very filthy abuses to Shri Dayalal Babu, (ii) having beat him with a cane stick, and, (iii) having inflicted fist blow on him without any reason. None of the four witnesses of the management examined at the domestic enquiry said a word that Deoki abused or beat with a cane stick Shri Dayalal Babu, as will appear from the evidence of Shri Shyamlal Babu Ext. M 14; Shri Parasar Babu Ext. M 15; Shri Dayalal Babu Ext. M 16 and Shri Satyadeo Ext. M 17. Shyamlal Babu Ext. M 14 says that Deoki inflicted fist blow; Parasar Babu Ext. M 15 says Deoki inflicted thrust and fist blows; Dayalal Babu Ext. M 16 says that Deoki dealt gudda blows; and, Satyadeo Ext. M 17 says Gangaram's reja also inflicted thusa blows on his mouth and there started bleeding from his mouth. As against this positive evidence, the enquiry officer says in his enquiry report Ext. M 22 towards the end: "*their action in giving abuses to the Manager in this way and beating him without exhausting the process of representing to the higher authorities when the way was open for them amounts to indiscipline.*" where from does the enquiry officer get that Deoki also abused the manager and beat him? There is no evidence to support his finding regarding Deoki also abusing the manager and beating him. Obviously, therefore, the joint enquiry has seriously prejudiced her and the finding of the Enquiry Officer is against the evidence against her, and, therefore, it has rightly been characterised on behalf of the complainants that it is perverse as it is against the evidence already referred to.

I am not prepared to accept what is recorded in the ordersheet Ext. M 11 on 21st October 1961 that on the suggestion of the Enquiry Officer both the workmen agreed to a joint trial. The Enquiry Officer nowhere says in the ordersheet that he explained to the complainants, who are illiterate, what is meant by joint enquiry and what were the advantages and disadvantages of the same. Shri W. D. Sagadeo, W. W. 1, who was admittedly present throughout the enquiry, has said that the above order was not read out to the complainants or to him and that he was not allowed to read the said order but he was only asked to take the thumb impressions of the two complainants and to endorse that fact on the ordersheet, I, therefore, hold that the statement in the ordersheet dated 21st October 1961 that both the complainants agreed to a joint trial is wrong and not correct. Even assuming that it is correct it cannot stop them from challenging the legality of the joint trial and establishing prejudice from the joint trial to Deoki, because obviously the legal implication of the joint trial was not known to them as it is not mentioned in the ordersheet itself. The joint trial, therefore, has very much prejudiced Deoki and has vitiated the enquiry.

(b) It is said in the ordersheet that the complainants examined two defence witnesses, namely, Kisun Ext. M 20 and Sitaram Ext. M 21. It is emphatically denied that Sitaram Ext. M 21 was a defence witness and in support of it, it was contended that the signature of Sagadeo W. W. 1 appears on the deposition Kisun Ext. M 20, but the signature of Sagadeo does not appear on the deposition of Sitaram Ext. M 21, and why so? Obviously because Sitaram Ext. M 21 was not examined as a defence witness at all but his evidence was put in by the management subsequently to support their case.

Another circumstance which was pointed out by the complainants to show that Sitaram Ext. M 21 could not be a defence witness was that admittedly, as will appear from the petition filed by the two complainants had two labourers as witnesses but one of them was on leave, and, therefore, time was asked for his evidence which was refused and one witness, namely, Kisun Ext. M 20 was examined and if that be so how could a second defence witness Sitaram Ext. M 21 was examined at all. In my opinion, the reasons given by the complainants and the above circumstances pointed out by the complainants are very convincing to prove that Sitaram Ext. M 21 was not at all examined by the complainants as a defence witness and that his evidence, which admittedly does not bear the signature of W. W. 1 is a faked one, introduced into the record subsequently. This is obviously a great infirmity and it makes the enquiry not at all fair.

(c) The complainants were not given sufficient opportunity to examine their witnesses because admittedly they had one witness present on 21st October 1961, as will appear from their petition before the Enquiry Officer Ext. M 23 and they

wanted sometime to examine the second witness who was on leave but this was not allowed and the reason why it was not allowed was that it had been agreed between the workmen and the management that the enquiry should be held before the Conciliation Officer (C), Nagpur on 21st October 1961, but the Enquiry Officer should have considered that at that time it was not anticipated that one of the defence witnesses will be on leave and would not be available, and, therefore, the agreement was of no avail and should not have been relied upon for refusing opportunity to the complainants to examine his another defence witness. The failure of the Enquiry Officer to adjourn the case or to give some time to the complainants to examine their second defence witness, in my opinion, denies an opportunity to the complainants to defend themselves properly. This is surely a great infirmity in the enquiry. (d) The contention on behalf of the complainants that Shri Sagadeo W.W. 1 was present, as admitted by the management and as deposed to by W.W. 1 throughout the enquiry and that W.W. 1 signed all the papers of the enquiry but curiously enough his signature appears only on Ext. M. 18, M. 19 and M. 11 and not at all on the other papers, although according to W.W. 1 all other papers bore his signature but they have not been produced. The Enquiry Officer has not been examined to contradict the evidence of W.W. 1 because the only person who can explain this or contradict the evidence of W.W. 1 who was admittedly present throughout the enquiry, was the enquiry officer, but for reasons best known to the management he has been kept back. It may be mentioned, rather it is surprising, that although the witnesses for the management, namely, Shyamal Babu Ext. M. 14, Parasar Babu Ext. M. 15; Dayalal Babu Ext. M. 16 and Shri Satyadeo Ext. M. 17 are examined but their depositions do not bear either the thumb impressions of the complainants or the signature of their representative W.W. 1, the General Secretary of their Union, who was present at the enquiry throughout the case. W.W. 1 stated that he put his signature on all the depositions. If that was so, why those signed depositions are not coming forth. Unfortunately, as I said before, the Enquiry Officer, who could answer these questions has not been examined before the Tribunal. This, in my opinion, is a great infirmity, which is not been explained and removed. Only the statements of two complainants Ext. M. 18 and M. 19 bear the signature of Shri Sagadeo W.W. 1, besides the deposition of Kisan Ext. M. 20. There is no other document which bears the signature of Sagadeo although according to W.W. 1 all the papers bore the signature of W.W. 1.

13. For the reasons given above, I am convinced that the domestic enquiry was not at all fair and proper and in accordance with the principles of natural justice and that the original enquiry papers, which have been filed by the management support the infirmities pointed out above, which have been pressed on behalf of the complainants and which go to the root of the domestic enquiry and make the enquiry unfair and improper and invalid. The enquiry is, therefore, rejected.

14. If the enquiry is rejected there is no evidence on behalf of the management adduced before the Tribunal on which the Tribunal can decide whether the misconduct alleged against the complainants has been proved or not. On the other hand, if the Criminal Court judgement Ext. W. is taken into consideration, on the face of it it will be very difficult to rely on the evidence of any of the three witnesses of the management, namely, Shyamal Ext. M. 14; Parasar Ext. M. 15; Dayalal Ext. M. 16 who were examined before the Magistrate and were disbelieved and if their evidence goes there is hardly anything to corroborate the evidence of the remaining witness Satyadeo Ext. M. 17 and as such on the evidence read along with the Criminal Court Judgement Ext. W. I confess I cannot accept the evidence of any of the witnesses examined by the management for the simple reason that the reasons given by the Learned Magistrate for coming to the conclusion that the defence of the complainants before me was more probable and was not an after-thought and the injuries of the complainants were not explained go to prove that the management suppressed the truth as rightly observed by the Magistrate and, therefore, the complainants could not be held guilty of any misconduct at all.

15. I may mention that on behalf of the management great emphasis was laid, for instance, on Ext. M. 10, the letter of the Government from the Union Secretary, Ministry of Labour and Employment, in which it was stated that the dispute was not fit for reference to an Industrial Tribunal because the workmen were found guilty of misconduct and they were dismissed after a proper enquiry from service under the provisions of the Standing Orders; but this Tribunal is not bound by the opinion of the Government and, therefore, it is open to the Tribunal on the evidence before it and on the basis of the enquiry papers to come to such conclusion as it likes irrespective of the opinion of the C.O.(C) or of the Govt. on this point which are not binding on the Tribunal.

16. The result, therefore, is that the complaint is allowed, the dismissals of the complainants are set aside and they are reinstated to their previous jobs with full back wages and other benefits and with continuity of service with effect from 24th October 1961, when they were dismissed, till their reinstatement.

17. This award must be implemented within one month from the date the award becomes enforceable under sec. 17A of the Act after its publication under Sec. 17 of the Act.

18. This is the award which I make and submit to the Central Government under Sec. 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. F. 35/25/66-LRI.]

New Delhi, the 12th December 1966

S.O. 3832.—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1728, dated the 6th June, 1966, the Central Government being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947) for a further period of six months from the 22nd June, 1966;

And Whereas the Central Government is of the opinion that public interest requires the extension of the said period;

Now, Therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd December, 1966.

[No. F. 1/87/66-LRI.]

ORDERS

New Delhi, the 6th December 1966

S.O. 3833.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Madras Stevedores Association, Madras (2) Madras Steamers Agents Association and their 11 members, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. S. Somasundaram shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether having regard to Resolution No. WB-21(13)/65 dated the 27th April 1965 of the Ministry of Labour and Employment as amended by Resolution No. WB-21(36)/65 dated the 18th July, 1966 of the Department of Labour and Employment, Government of India, the daily rated workmen employed by the employers (Annexure A) are entitled to Interim Relief and Dearness Allowance? If so, at what rate.

ANNEXURE A

Name of Employers

1. M/s. Krishna & Company, 14, Jaffar Syrang Street, Madras-1.
2. M/s. A. Arumugham Chettiar, 68, East Mada Church Street, Madras-13.
3. M/s Binny & Co., Ltd. 7, Armenian Street, Madras-1.
4. M/s. C. M. K. Viswanatha Mudaliar, 1, Jaffer Syrang Street, Madras-1

5. M/s. United Stevedores, 22, Second Line Beach, Madras-1.
6. M/s. Gordon Woodroffe & Co., (Madras) Private Ltd., 1/21, North Beach Road, Madras-1.
7. M/s. V. V. Pakir Mohamed Rowther, 29-A, Muthu Mudaly Street, Madras-12.
8. M/s. P. Devarajooloo Naidu & Son, 24, North Beach Road, Madras-1.
9. M/s. South India Corporation (Agencies) Private Ltd., Shipping Department, 99, Armenian Street, Madras-1.
10. M/s. Volkart (India) Ltd., 5/6, Armenian Street, Madras-1.
11. M/s. P. Thiruvengada Mudaliar, 16, Jaffer Syrang Street, Madras-1.
12. The Secretary, The Madras Steamer Agents' Association, 41, Linghi Chetty Street, Madras-1.
13. The Secretary, The Madras Stevedores Association, 16, First Line Beach, Madras-1.

[No. 28(138)/66-LRIV.]

New Delhi, the 7th December 1966

S.O. 3834.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Shri M. Ramchandra Iyer Contractor Uthiyam Gypsum Mines, 32, Perumal Koil Street, Ariyalur Post Office, Trichy District and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. S. Somasundaram shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of Shri M. Ramchandra Iyer, Contractor, Uthiyam Gypsum Mines, Odhiyam Post Office, of Messrs Dalmia Cement (Bharat) Limited, Dalmiapuram, in refusing to give work to Shri Nallathambi, clerk and Shri Nallu, Night Watchman from the 1st August, 1966 and from the 1st September, 1966 respectively was justified? If not, to what relief are the workmen entitled?

[No. 24/51/66-LRI.]

S.O. 3835.—Whereas an industrial dispute exists between the General Manager, Bhilai Steel Plant, Bhilai, District Durg (hereinafter referred to as the said Company) and their workmen represented by the Steel Workers Union, Nandini Branch, Post Office Nandini, District Durg (hereinafter referred to as the Union);

And whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on 25th November, 1966.

AGREEMENT

FORM 'C'

(Rule 7)

(Under Section 10/A of the Industrial Dispute Act, 1947)

BETWEEN

Representing Employers' 1.—Shri L. J. Kale, Sr. Labour Officer, (M) Bhilai Steel Plant, Bhilai, Dist. Durg.

Representing the Workmen 2.—Shri T. A. Menon, Organising Secretary, Steel Workers Union, Bhilai, Dist. Durg.

It is hereby agreed between the parties to refer the following Industrial Dispute to the Arbitration of Shri Damodar Panda, Regional Labour Commissioner (Central), Jabalpur.

1. Specific Matter in Dispute:

Whether or not the claim of Shri G. R. Kandge, Labour Inspector Nandini mechanised mines to the post of Assistant Estate Officer or Additional Welfare Officer is justified? In either case what should be the relief to which is he entitled?

2. Details of the Parties to the dispute:

- (i) Name and address of employer—The General Manager, Bhilai Steel Plant, Bhilai, Dist. Durg.
- (ii) Name and address of the Union.—Secretary, Steel Workers' Union, Nandini Branch, P.O. Nandini, Dist. Durg.

3. No. of workmen affected by the dispute: 1 (one).

4. Total No. of workmen employed in the undertaking effected—1600.

We further agree that the majority decision of the Arbitrator shall be binding on us. And it is further requested that the Arbitrator will give his award within 3 months time from the date of notification, otherwise it will be open to party to choose another arbitrator for the purpose.

Representing Employers

(Sd.) L. J. KALE,

Senior Labour Officer (M)
Bhilai Steel Plant, Bhilai.

Representing Workmen

(Sd.) T. A. MENON

Organising Secretary
Steel Worker's Union, Bhilai.

Witness

(Sd.) K. A. RAMACHANDRAN NAIR

(Sd.) D. P. SRIVASTAVA

From

Dated the 5th October, 1966.
Camp, Raipur Circuit House

Shri D. Panda, R.L.C. (C), Jabalpur

My dear Srivastava,

I have no objection to accept the request of the Steel Workers Union, Bhilai and the Management of the Bhilai Steel Plant to arbitrate on the industrial dispute related to Shri G. R. Kandge, Labour Inspector, Nandini Mines, under Section 10A of the Industrial Disputes Act, 1947.

Yours sincerely,
Sd/-
D. PANDA

To

Shri D. P. Srivastava,
L.E.O.(C), Raipur.

[No. 37/19/66-L.R.I.]

New Delhi, the 9th December 1966

S.O. 3836.—Whereas an industrial dispute exists between Travancore Titanium Products Limited (hereinafter referred to as the said Company) and their workmen represented by the Titanium Products Labour Union, Trivandrum, Titanium Workers' Union, Trivandrum and Travancore Titanium Products Employees' Union, Trivandrum (hereinafter referred to as the Unions);

And, whereas the said Company and the Unions have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial

Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the Kerala State Arbitration Board mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on 29th November, 1966.

AGREEMENT

FORM C

(See Rule 7)

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Name of parties

Representing employers:

Managing Director Travancore Titanium Products Ltd.

Representing Workmen:

(1) President, Titanium Products Labour Union, Trivandrum.

(2) President, Titanium Workers' Union, Trivandrum.

(3) General Secretary, Travancore Titanium Products Employees' Union, Trivandrum.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of the State Arbitration Board, Office of the Labour Commissioner, Trivandrum, Kerala State.

(i) Specific matters in dispute:

"Whether the denial of promotion to the persons as per list attached is justified if not, to what relief are they entitled?"

(ii) Details of the parties to the dispute including the name & address of the establishment or undertaking involved.

Managing Director Travancore Titanium Products Ltd., Kochu Veli, Trivandrum-7, Kerala.

and

(1) President, Titanium Products Labour Union (INTUC) Trivandrum.

(2) President, Titanium Workers' Union (AITUC) Trivandrum.

(3) General Secretary, Travancore Titanium Products Employees' Union (UTUC), Trivandrum.

(iii) Name of the Union, if any, representing the workmen in question.

Titanium Products Labour Union, Titanium Workers' Union and Travancore Titanium Products Employees' Union.

590

(iv) Total number of workmen employed in the undertaking affected.

(v) Estimated number of workmen affected or likely to be affected by the dispute.

31

We further agree that the majority decision of the arbitrator shall be binding on us in case the arbitrators are equally divided in their opinion, they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator(s) shall make his (their) award within a period of Thirty days or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period afore-mentioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing Employers:

Signature of the parties
Sd/- ***

Managing Director
Travancore Titanium Products
Limited.

Representing Workmen:

Sd/- ***

President

Titanium Products Labour Union.

Sd/- ***

President
Titanium Workers' Union.

Sd/- ***

General Secretary,
Travancore Titanium Products
Employees Union.

Witnesses:

2. Sd/- ***

1. Sd/- ***

List of Persons

		W/No.
1.	A. Venkitachalam	531
2.	K. Appukuttan Nair	533
3.	K. Bhaskara Pillai	534
4.	K. Velayudhan Nair	538
5.	K. P. Ramchandran Nair	552
6.	S. P. Selvadurai	554
7.	V. Hariharan	561
8.	S. Sukumaran Nair	126
9.	C. C. Cherian	203
10.	P. Krishna Pillai	175
11.	C. Thomas John	105
12.	K. Sivasankaran	128
13.	P. Parameswaran Thampi	546
14.	G. Velukutty	553
15.	M. Damodaran Nair	557
16.	R. Krishna Pillai	558
17.	R. Balakishna Pillai	559
18.	David P. Joseph	560
19.	T. Sukumaran Nair	Process Superviso
20.	R. V. George	Do.
21.	R. Velayudhan Nair	W/No. 537
22.	K. Arjunan	76

			W/No.
23.	C. C. Verghese	.	208
24.	K. Sankaran	.	231
25.	K. Madhavan	.	198
26.	P. Madhavan	.	35
27.	P. Kumaran Nair	.	60
28.	B. Dass	.	150
29.	Kuttan Pillai	.	114
30.	V. Sundarsanan	.	221
31.	Aliar Kunju	.	80

Office of the Labour Commissioner,
Trivandrum 19-10-1966.

No. AB 9/66

From

The Secretary,
Arbitration Board.

To

The Secretary,
Travancore Titanium Products Ltd.,
Trivandrum-7.

Dear Sir,

Ref: Your Letter No. GEC/Govt./4467 dated 13th October, 1966.

As desired by you in your letter referred to above, I have placed the matter before the Arbitration Board held on 18th October, 1966. The Board has agreed to take up the issue for Arbitration as desired.

Yours faithfully,

Sd/- Secretary.

(True Copy)

[F. 24/58/66-LR-I.]

New Delhi, the 9th December 1966

S.O. 3837.—Whereas an industrial dispute exists between the General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (District Durg, Madhya Pradesh) in relation to Rajhara Iron Ore Mines (hereinafter referred as the said Company) and their workmen represented by the Steel Workers' Union, Rajhara Branch, (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (i) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 23rd November, 1966.

AGREEMENT

(Under Section 10/A of the Industrial Dispute Act, 1947)
BETWEEN

Representing the Employer:

1. Shri L. J. Kale, Senior Labour Officer (Mines) Bhilai Steel Plant.
2. Shri C. K. Ahluwalia, Personnel Officer (Mines), Bhilai Steel Plant.

Representing the Workmen:

1. Shri P. B. Chakraborty, Secretary, Steel Workers' Union, Rajhara Branch.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. S. Gupta, Asstt. Labour Commissioner (Central), Bilaspur.

1. Specific matter in dispute.—(i) Whether the demand of the Union that Shri S. K. Bajpayee, Chargeman, should be given the grade of Rs. 150—250/- (old) w.e.f. 1-5-61 is justified?

(ii) Whether he should be granted the grade of Rs. 250—380/- w.e.f. 1-7-62 in view of his rotation in shift duties along with Chargeman in the scale of Rs. 250—380/- is justified?

(iii) In view of his further rotation in shift duties with Chargeman in the grade of Rs. 325—475/- w.e.f. 15-2-65, Shri Bajpayee should be granted the scale of Rs. 325—475/- w.e.f. 15-2-65 is justified? If so to what relief the workman is entitled to?

2. Details of parties to the dispute.—The General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (Dist. Durg) in relation to Rajhara Iron Ore Mines and their workmen represented by Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

3. Name of the Union representing the workman in question.—Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

4. Total number of workmen employed in the undertaking affected.—2,300.

5. Number of workmen affected by the dispute.—One.

The Arbitrator shall make his award within a period of 6 months from this date or within such further time as extended by mutual agreement between us in writing. In case the Award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing the employer

(Sd.) L. J. KALE

(Sd.) C. K. AHLUWALIA

Witness:

1. (Sd.) K. G. MARAR

Representing the workman

(Sd.) P. B. CHAKRABORTY

2. (Sd.) P. S. NAIR

GOVERNMENT OF INDIA
MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Office of the Asstt. Labour Commissioner (C), Bilaspur)
CAMP: Rajhara

Dated 27th October 1966

To

- (1) The Sr. Labour Officer (M), BSP., Bhilai.
- (2) The Secretary, Steel Workers' Union, P.O. Rajhara.

SUB:—Arbitration under Section 10 A of the I.D. Act.

Dear Sir,

As per your verbal request, I have no objection to act as an arbitrator in the following 6 cases under Section 10 A of the I.D. Act.

1. Cases of Shri S. K. Bajpayee, Chargeman.
2. Cases of Shri D. K. Chakraborty, Chargeman.
3. Cases of Shri S. L. Chowdhary, Fitter/Electrician.
4. Cases of Shri N. N. Sinha, Chargeman.
5. Cases of Shri N. K. Chakraborty, Chargeman.
6. Cases of Shri H. C. Chakraborty, Fitter/Electrician.

Yours faithfully,

(Sd.) A. S. GUPTA,
Assistant Labour Commissioner (C),
Bilaspur.

[No. F. 37/11/66-L.R.I-I.]

S.O. 3838.—Whereas an industrial dispute exists between the General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (District Durg, Madhya Pradesh) in relation to Rajhara Iron Ore Mines (hereinafter referred to as the said Company) and their workmen represented by the Steel Workers' Union, Rajhara Branch, (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (i) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 23rd November, 1966.

AGREEMENT

(Under Section 10/A of the Industrial Dispute Act, 1947)

BETWEEN

Representing the Employer:

1. Shri L. J. Kale, Senior Labour Officer (Mines), Bhilai Steel Plant.
2. Shri C. K. Ahluwalia, Personnel Officer (Mines), Bhilai Steel Plant.

Representing the Workmen:

1. Shri P. B. Chakraborty, Secretary, Steel Workers' Union, Rajhara Branch.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. S. Gupta, Asstt. Labour Commissioner (C), Bilaspur.

1. *Specific matter in dispute.*—Whether the demands of the Union that—

- (i) Shri D. K. Chakraborty, Chargeman in the grade of Rs. 200—350/- should be granted the grade of Rs. 200—350 w.e.f. 2-11-60, the date of his joining the Operation Estt., and
- (ii) Shri D. K. Chakraborty should be promoted as Chargeman in the grade of Rs. 325—475/- w.e.f. 1-6-1965 in view of his rotation in shift duties with the Chargeman in the grade of Rs. 325—475;

are justified? If so what relief the workman is entitled to?

2. *Details of the parties to the dispute.*—The General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (Dist. Durg, M.P.) in relation to Rajhara Iron Ore Mines and their workmen represented by Steel Workers' Union Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

3. *Number of workmen affected by the dispute.*—One.

4. *Total number of workmen employed in the undertaking affected.*—2,300

The Arbitrator shall make his award within a period of 6 months from this date or within such further time as extended by mutual agreement between us in writing. In case the Award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing the employer

(Sd.) L. J. KALE

(Sd.) C. K. AHLUWALIA

Representing the workman

(Sd.) P. B. CHAKRABORTY

Witness:

1. (Sd.) K. G. MRAR

2. (Sd.) P. S. NAIR

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

[Office of the Asstt. Labour Commissioner (C), Bilaspur]

Camp: Rajhara

Dated 27th October 1966

To

- (1) The Sr. Labour Officer (M), BSP., Bhilai,
 - (2) The Secretary, Steel Workers' Union, P.O. Rajhara.
- Sub:—Arbitration under Section 10A of the I.D. Act

Dear Sir,

As per your verbal request, I have no objection to act as an arbitrator in the following 6 cases under Section 10 A of the I.D. Act.

1. Cases of Shri S. K. Bajpayee, Chargeman.
2. Cases of Shri D. K. Chakraborty, Chargeman.
3. Cases of Shri S. L. Chowdhary, Fitter/Electrician.
4. Cases of Shri N. N. Sinha, Chargeman.
5. Cases of Shri N. K. Chakraborty, Chargeman.
6. Cases of Shri H. C. Chakraborty, Fitter/Electrician.

Yours faithfully,
 (Sd.) A. S. GUPTA,
 Assistant Labour Commissioner (C),
 Bilaspur.

[No. F. 37/11/66-L.R.I-II.]

S.O. 3839.—Whereas an industrial dispute exists between the General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (District Durg, Madhya Pradesh) in relation to Rajhara Iron Ore Mines (hereinafter referred as the said Company) and their workmen represented by the Steel Workers' Union, Rajhara Branch, (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (i) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 23rd November, 1966.

AGREEMENT

(Under Section 10/A of the Industrial Dispute Act, 1947)
 BETWEEN

Representing the Employer:

1. Shri L. J. Kale, Senior Labour Officer (Mines), Bhilai Steel Plant.
2. Shri C. K. Ahluwalia, Personnel Officer (Mines), Bhilai Steel Plant.

Representing the Workman:

1. Shri P. B. Chakraborty, Secretary, Steel Workers' Union, Rajhara Branch.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. S. Gupta, Asstt. Labour Commission (Central), Bilaspur.

1. *Specific matter in dispute.*—Whether the demand of the Union, that Shri S. L. Choudhary, Fitter/Electrician in the grade of 110-143/- should be paid in the grade of 160—280/- w.e.f. 1st January 1965 and also be regularised in the same grade w.e.f. 1st January 1965 in view of his rotation in shift with an Electrician of higher grade is justified? If so, what relief he is entitled to?

2. *Details of the parties to the dispute.*—The General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (Dist. Durg, M.P.) in relation to Rajhara Iron Ore Mines and their workmen represented by Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

3. *Name of the Union representing the workman in question.*—Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

4. *Total number of workmen employed in the undertaking affected.*—2300.

5. *Number of workmen affected by the dispute.*—1 (one).

The Arbitrator shall make his award within a period of 6 months from this date or within such further time as extended by mutual agreement between us in writing. In case the Award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing the Employer

Sd./- L. J. KALE

Sd./- C. K. AHLUWALIA

Representing the workman

(Sd.) P. B. CHAKRABORTY

Witnesses:

1. Sd./- K. G. MARAR:

2. Sd./- P. S. NAIR:

GOVERNMENT OF INDIA
MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION
[Office of the Asstt. Labour Commissioner (C), Bilaspur]
Camp: Rajhara

Dated 27th October 1966

To

- (1) The Sr. Labour Officer (M), BSP., Bhilai.
- (2) The Secretary, Steel Workers' Union, P.O. Rajhara.

SUB.—Arbitration under Section 10 A of the I.D. Act

Dear Sir,

As per your verbal request, I have no objection to act as an arbitrator in the following 6 cases under Section 10 A of the I.D. Act.

1. Cases of Shri S. K. Bajpayee, Chargeman.
2. Cases of Shri D. K. Chakraborty, Chargeman.
3. Cases of Shri S. L. Chowdhary, Fitter/Electrician.
4. Case of Shri N. N. Sinha, Chargeman.
5. Cases of Shri N. K. Chakraborty, Chargeman.
6. Cases of Shri H. C. Chakraborty, Fitter/Electrician.

Yours faithfully,
Sd./- A. S. GUPTA,
Assistant Labour Commissioner (C),
Bilaspur.
[No. F. 37/11/66-LR.I-III.]

S.O. 3840.—Whereas an industrial dispute exists between the General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (District Durg, Madhya Pradesh) in relation to Rajhara Iron Ore Mines (hereinafter referred as the said Company) and their workmen represented by the Steel Workers' Union, Rajhara Branch, (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (i) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 23rd November, 1968.

AGREEMENT

(Under Section 10/A of the Industrial Dispute Act, 1947)

BETWEEN

Representing the Employers:

1. Shri L. J. Kale, Senior Labour Officer (Mines), Bhilai Steel Plant.
2. Shri C. K. Ahluwalia, Personnel Officer (Mines), Bhilai Steel Plant.

Representing the Workman:

1. Shri P. B. Chakraborty, Secretary, Steel Workers' Union, Rajhara Branch.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. S. Gupta, Asstt. Labour Commissioner (Central), Bilaspur.

1. Specific matter in dispute.—(i) Whether Shri N. N. Sinha, Chargeman in the grade of 325—475/- should be promoted as Asstt. Foreman/Chargeman in the grade of 300—500 (old) w.e.f. 1-10-61.

(ii) Whether he should be promoted as Asstt. Shift Engineer in the grade of 400—950/- w.e.f. 11-6-1962.

(iii) Whether his seniority as Class-I Officer be maintained properly with proper increments.

If the demands of the Union are justified, to what relief the workman is entitled to?

2. Details of the parties to the dispute.—The General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (Dist. Durg, M.P.) in relation to Rajhara Iron Ore Mines and their workmen represented by Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

3. Name of the Union representing the workman in question.—Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

4. Total number of workmen employed in the undertaking affected.—2300.

5. Number of workmen affected by the dispute.—1 (one).

The Arbitrator shall make his award within a period of 6 months from this date or within such further time as extended by mutual agreement between us in writing. In case the Award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing the employer

Sd./- L. J. KALE

Sd./- C. K. AHLUWALIA

Representing the workman

Sd./- P. B. CHAKRABORTY

Witnesses:

1. Sd./- K. G. MARAR.

2. Sd./- P. S. NAIR.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION
[Office of the Asstt. Labour Commissioner (C), Bilaspur]

Camp: Rajhara

Dated 27th October 1966

To

- (1) The Sr. Labour Officer (M), BSP., Bhilai.
- (2) The Secretary, Steel Workers' Union, P.O. Rajhara.

SUB.—Arbitration under Section 10A of the I.D. Act.

Dear Sir,

As per your verbal request, I have no objection to act as an arbitrator in the following 6 cases under Section 10 A of the I.D. Act.

1. Cases of Shri S. K. Bajpayee, Chargeman.
2. Cases of Shri D. K. Chakraborty, Chargeman.
3. Cases of Shri S. L. Chowdhary, Fitter/Electrician.
4. Case of Shri N. N. Sinha, Chargeman.
5. Cases of Shri N. K. Chakraborty, Chargeman.
6. Cases of Shri H. C. Chakraborty, Fitter/Electrician.

Yours faithfully,

Sd./- A. S. GUPTA,

Assistant Labour Commissioner (C),
Bilaspur.

[No. F. 37/11/66-LR.I-IV.]

S.O. 3841.—Whereas an industrial dispute exists between the General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (District Durg, Madhya Pradesh) in relation to Rajhara Iron Ore Mines (hereinafter referred as the said Company) and their workmen represented by the Steel Workers' Union, Rajhara Branch, (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (i) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 23rd November, 1966.

AGREEMENT

(Under Section 10/A of the Industrial Dispute Act, 1947)

BETWEEN

Representing the Employer:

1. Shri L. J. Kale, Senior Labour Officer (Mines), Bhilai Steel Plant,
2. Shri C. K. Ahluwalia, Personnel Officer (Mines), Bhilai Steel Plant.

Representing the Workman:

1. Shri P. B. Chakraborty, Secretary, Steel Workers' Union, Rajhara Branch.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. S. Gupta, Asstt. Labour Commissioner (Central), Bilaspur.

1. Specific matter in dispute.—Whether the demand of the Union that Shri N. K. Chakraborty, Chargeman, in the grade of 250—380/- should be paid in the grade 350—575/- w.e.f. 13-1-64 in view of his rotation in shift duties along with a Chargeman in the higher grade, is justified? If so, what relief the workman is entitled to?

2. Details of the parties to the dispute.—The General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (Dist. Durg, M.P.) in relation to Rajhara Mines and their workman represented by Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

3. Name of the Union representing the workman in question.—Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

4. Total number of workmen employed in the undertaking affected.—23000.

5. Number of workmen affected by the dispute.—1 (one).

The Arbitrator shall make his award within a period of 6 months from this date or within such further time as extended by mutual agreement between us in writing. In case the Award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing the employer

Representing the workmen

(Sd.) L. J. KALE

(Sd.) P. B. CHAKRABORTY

(Sd.) C. K. AHLUWALIA

Witnesses:

1. (Sd.) K. G. MARAR.

2. (Sd.) P. S. NAIR.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Office of the Asstt. Labour Commissioner (C), Bilaspur)

Camp: Rajhara

Dated 27th October 1966

To

(1) The Sr. Labour Officer (M), BSP., Bhilai.

(2) The Secretary, Steel Workers' Union, P.O. Rajhara.

SUB:—Arbitration under Section 10 A of the I.D. Act

Dear Sir,

As per your verbal request, I have no objection to act as an arbitrator in the following 6 cases under Section 10 A of the I.D. Act.

1. Case of Shri S. K. Bajpayee, Chargeman.
2. Case of Shri D. K. Chakraborty, Chargeman.
3. Case of Shri S. L. Chowdhary, Fitter/Electrician.
4. Cases of Shri N. N. Sinha, Chargeman.
5. Case of Shri N. K. Chakraborty, Chargeman.
6. Case of Shri H. C. Chakraborty, Fitter/Electrician.

Yours faithfully,

(Sd.) A. S. GUPTA,
Assistant Labour Commissioner (C),
Bilaspur.

[No. F. 37/11/66-L.R.I-V.]

S.O. 3842.—Whereas an industrial dispute exists between the General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (District Durg, Madhya Pradesh) in relation to Rajhara Iron Ore Mines (hereinafter referred as the said Company) and their workmen represented by the Steel Workers' Union, Rajhara Branch, (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 23rd November, 1966.

AGREEMENT

(Under Section 10/A of the Industrial Dispute Act, 1947)

Representing the Employer:

1. Shri L. J. Kale, Senior Labour Officer (Mines) Bhilai Steel Plant.

2. Shri C. K. Ahluwalia, Personnel Officer (Mines), Bhilai Steel Plant.

Representing the Workmen:

1. Shri P. B. Chakraborty, Secretary, Steel Workers' Union, Rajhara Branch.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. S. Gupta, Asstt. Labour Commissioner (C), Bilaspur.

1. Specific matter in dispute.—Whether the demand of the Union that Shri H. C. Chakraborty, Fitter/Electrician, in the grade of 110—143 should be paid in the grade of 160—280 w.e.f. 11-5-1962 and also be regularised in the same grade w.e.f. 11-5-1962, in view of his rotations in shift duties along with Electricians of higher grade, is justified? If so to what relief the workman entitled?

2. Details of the parties to the dispute.—The General Manager, Bhilai Steel Plant of Hindustan Steel Limited, Bhilai (Dist. Durg, M.P.) in relation to Rajhara Iron Ore Mines and their workmen represented by Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

3. Name of the Union representing the workman in question.—Steel Workers' Union, Rajhara Branch, P.O. Dalli-Rajhara (Dist. Durg, M.P.).

4. Total number of workmen employed in the undertaking affected.—2300.

5. Number of workmen affected by the dispute.—1 (one).

The Arbitrator shall make his award within a period of 6 months from this date or within such further time as extended by mutual agreement between us in writing. In case the Award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing the employer

(Sd.) L. J. KALE

(Sd.) C. K. AHLUWALIA

Representing the workman

(Sd.) P. B. CHAKRABORTY

Witnesses:

1. (Sd.) K. G. MARAR.

2. (Sd.) P. S. NAIR.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION
(Office of the Asstt. Labour Commissioner (C), Bilaspur)

Camp: Rajhara

Dated 27th October 1966

To

- (1) The Sr. Labour Officer (M), BSP., Bhilai.
- (2) The Secretary, Steel Workers' Union, P.O. Rajhara.

SUB:—Arbitration under Section 10 A of the I.D. Act

Dear Sir,

As per your verbal request, I have no objection to act as an arbitrator in the following 6 cases under Section 10 A of the I.D. Act.

1. Case of Shri S. K. Bajpayee, Chargeman.
2. Case of Shri D. K. Chakraborty, Chargeman.
3. Case of Shri S. L. Chowdhary, Fitter/Electrician.
4. Case of Shri N. N. Sinha, Chargeman.
5. Case of Shri N. K. Chakraborty, Chargeman.
6. Case of Shri H. C. Chakraborty, Fitter/Electrician.

Yours faithfully,

(Sd.) A. S. GUPTA,
Assistant Labour Commissioner (C),
Bilaspur.

[No. F. 37/11/66-L.R.I-VI.]
A. L. HANNA, Under Secy.

(Department of Labour & Employment)

New Delhi, the 3rd December 1966

S.O. 3843.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Madhuban Lodna Colliery, P.O. Jharia (Distt. Dhanbad), and their workmen, which was received by the Central Government on the 1st December, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 32 of 1964

Employers in relation to Madhuban, Lodna Colliery, P.O. Jharia, (Dhanbad).

AND

Their Workmen.

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Employers—Sarvashri S. S. Mukherjee, Advocate and A. N. Sharma;

For the Workmen—Sarvashri B. Lal, Advocate, and Jaimurat Singh, Branch Secretary of the Union.

STATE: Bihar.

INDUSTRY: Coal.

Camp: Patna, dated the 18th October, 1966.

AWARD

By its Order No. 1/3/64-LRII dated 23rd March 1964, the Government of India, Ministry of Labour and Employment, referred to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the Madhuban Lodna Colliery, Post Office Jharia, (District Dhanbad) and their workmen in respect of the matters specified in the schedule annexed to the order of reference which is reproduced below:—

SCHEDULE

Whether Waliram and Company, Managing Contractors Madhuban Lodna Colliery owned by Messrs Lodna Colliery Company (1920) Limited, Post Office Jharia (District Dhanbad) were justified in transferring the undermentioned 29 workmen from the said Colliery to Pure Selected Angarpathera Colliery with effect from the 17th January, 1964. If not, to what relief are the workmen entitled:

1. Gangdhari Harijan, Special Seam Miner.
2. Bisuni Yadava, Special Seam Miner.
3. Soolochan Harijan, Special Seam Miner.
4. Pachu Harijan, Special Seam Miner.
5. Nanddeo Bhuyan, Special Seam Miner.
6. Ramdewak Harijan, Belling Cooli.
7. Ramkisun Sao, Tellywan.
8. Rajbalam Yadava, Belling Cooli.
9. Sudambhar, Line Cooli.
10. Soopar Yadava, Hookman.
11. Deonandan Yadava, Loseman.
12. Chalku Yadava, Ghirni Cooli.
13. Rachij Mahato, Tellywan.
14. Sukul Mahato, Belling Cooli.
15. Bhola Yadava, Tellywan.
16. Seosbankar Yadava, Loseman.
17. Chabila Bara, Line Cooli.
18. Chura Harijan, Special Seam Miner.
19. Rambhaiju Yadava, Tellywan.
20. Musafir Harijan, Special Seam Miner.
21. Sukhradan Harijan, Special Seam Miner.
22. Soochand Harijan, Special Seam Miner.
23. Chandradeo Harijan, Special Seam Miner.
24. Deuharijan, Special Seam Miner.
25. Jagdish Harijan, Special Seam Miner.
26. Sawaru Bhar, Special Seam Miner.
27. Naresh Bhar, Special Seam Miner.
28. Sukar Bhuywian, Special Seam Miner.
29. Moti Yadava, Special Seam Miner.

2. On 14th October 1966 when the case was taken up for hearing Sarvashri S. S. Mukherjee, Advocate and A. N. Sharma, Colliery Superintendent, appeared for the management and Sarvashri B. Lal, Advocate, Vice-President and Jai Murat Singh, Branch Secretary, Khan Mazdoor Congress, appeared for the concerned workmen.

3. All the above parties filed a joint petition of compromise signed by the above four persons and jointly prayed that an award in terms of the said compromise marked *Annexure 'A'* be passed and the reference be disposed of accordingly.

4. I have read the terms of the compromise and, in my opinion, they are fair and in the interest of both the parties, and, therefore, I accept the compromise and record the same.

5. The reference is accordingly disposed of in terms of the compromise *Annexure 'A'* and an award in terms of the said compromise is made and the said compromise *Annexure 'A'* is made a part of the said award.

6. This is the award which I make and submit to the Central Government under Sec. 15 of the Act.

Sd/- RAJ KISHORE PRASAD,
Central Govt. Industrial Tribunal, Dhanbad.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE NO. 32 OF 1964

Employers in relation to Madhuban Lodna Colliery.

AND

Their workmen represented by Khan Mazdoor Congress.

That without prejudice to the respective contention of the parties the above reference, has been amicably settled between the parties on the following terms.

1. That M/s. Waliram & Co., were the raising contractors of Madhuban Lodna Colliery regarding 11/12 seams.

2. That as the coal of the above seams were exhausted the raising contract of M/s. Waliram & Co. came to an end and M/s Waliram & Co. wanted to absorb the workmen, mentioned in the schedule to the reference, and hence they were transferred to their Pure Selected Angarpathera Colliery.

3. That the workmen concerned are not interested in their transfer to Pure Selected Angarpathera Colliery.

4. That M/s Waliram & Co., however agree that when their contract work in 11/12 seam of Madhuban Lodna Colliery will re-start, the workmen concerned will be intimated by notices offering re-employment with a copy to the Union.

5. That the parties will bear their own respective costs.

It is therefore humbly prayed that the above compromise may kindly be recorded and an award passed in terms thereof.

For Workmen.

(Sd.) B. LAL,

Vice-President,

Khan Mazdoor Congress.

(Sd.) JAIMURAT SINGH,

Branch Secretary,

Khan Mazdoor Congress.

For Waliram & Co.

(Sd.) A. N. SHARMA,

Colliery Superintendent.

[No. 1/3/64-LR.II.]

S.O. 3844.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad in the Industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudium and their workmen, which was received by the Central Government on the 25th November, 1966.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

PRESENT:

Sri Mohammed Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 54 OF 1965

BETWEEN

Workmen of the Singareni Collieries Company Limited, Kothagudium ((P.O.)).

AND

The Management, Singareni Collieries Co. Ltd., Kothagudium.

APPEARANCES:

For the Workmen—Sri S. K. Sreenivasan, General Secretary, Singareni Collieries Mazdoor Sangh.

For the Management—Sri M. V. Ramakrishna Rao, Assistant Personnel Officer, Singareni Collieries Co. Ltd., and Sri P. Sitapati, Advocate,

AWARD

The Government of India, in its Ministry of Labour & Employment, had, by order No. 7/15/65-LR-II, dated 10th August 1965, referred this case for adjudication to my learned predecessor, Dr. Mir Siadat Ali Khan. By a subsequent order No. 7/33/65-LR.II, dated 31st January, 1966 it was, alongwith similar cases, transferred to me for adjudication. The issues as per Schedule annexed to the Notification are these:—

1. Whether the demand of the Clerk, Sri K Venkateswara Rao, Clerk, Pay Roll Section, Head Office, Singareni Collieries Company, Limited, Kothagudium, for placing him in the grade of Rs. 40—4—60—EB—5—100 with effect from 1st July, 1949 as per Jadhav Award is justified?

2. If so, to what relief is the workman entitled?

2. The claimant, Venkateswara Rao, was first appointed as Clerk on 19th June 1949, and was posted to work at Andrews Incline No. 1 of the Singareni Collieries Company Limited. The claimant said from the witness-box that it was as Assistant Muster Clerk that he was appointed to start with. It is stated in the statement of claims that this appointment was in the grade of Rs. (OS) 35—2—65. He was later transferred to the Pay Roll Section at the Head Office at Kothagudium. Meanwhile the then Government of Hyderabad had appointed Mr. D. G. Jadhav to report on, and to make recommendations with regard to, the wage structure in the Singareni Collieries Company. He submitted his report, and the recommendations contained therein were implemented as from 1st July 1949 following a Resolution of the Government of Hyderabad. Among others, the recommendation was that the clerks who were in the monthly grade of Rs. (OS) 35—2—65 shou'd be given the grade of Rs. (OS) 40—4—60—EB—5—100. That was implemented by the Company in respect of clerks with effect from 1st July 1949. So far as Venkateswararao was concerned he was placed in that grade from 1st July 1951. The claim of Venkateswararao is that he should have been placed in that grade from 1st July 1949. He therefore claims the arrears of what would be so due to him as difference from 1st July 1949 to 1st July 1951.

3. That Management filed counter to say that what was referred was not as industrial dispute but only an individual dispute, and that therefore reference was not valid. The case of Venkateswararao was espoused by Singareni Collieries Mazdoor Sangh, Kothagudium. This Mazdoor Sangh had come into existence early in the year 1962. The contention of the Management in its counter is that inasmuch as the Mazdoor Sangh had come into existence about 13 years after the alleged grievance of the clerk, viz., in the year 1949, the Mazdoor Sangh was not competent to espouse the case. On merits the counter is that the appointment of Venkateswararao on 19th June 1949 was as a muster checking clerk involving some clerical duty on a consolidated daily wage of Rs. (OS) 1—8—10 and not on a monthly grade of Rs. (OS) 35—2—65. For that reason it is contended that there was no question of Venkateswara Rao being given the monthly grade of Rs. 40—100 with effect from 1st July 1949. It is stated that it was only from 1st July 1951 that Venkateswararao was a fullfledged clerk, and that for that reason he was given the grade of Rs. 40—100 from that date. The wage structure on implementation of the recommendations of the Jadhav Committee was in force in the Singareni Collieries from 1st July 1949 to 26th May 1956, and from the latter dated it was supplanted by the wage structure recommended by the Mazumdar Award. By the implementation of the said Award the grades were altered from O.S. currency to I.G. currency. The further contention of the Management is that even if Venkateswararao was entitled to the grade of Rs. (OS) 40—100 from 1st July 1949 his claim that same was inordinately belated is that it was made for the first time in the year 1962 by the Mazdoor Sangh, i.e., after a lapse of about 13 years. For that reason the Management contend that the claim should be rejected. It is also pointed out that if allowed, the claim of Venkateswararao would upset the wage structure throughout the Collieries, a wage structure which had supplanted the earlier wage structure as per the Jadhav Committee Report.

4. Clerk Venkateswararao examined himself as W.W.1, and Mr. S. K. Srinivasan who is the General Secretary of the Mazdoor Sangh examined himself as W.W.2. Ex. W1 was marked on the side of the claimant. That is all the oral and documentary evidence on his side. One witness was examined for the Management. He is Murudappa. He is a pit office Assistant. Exs. M1 to M8 were marked on the side of the Management.

5. I will first consider the preliminary objection raised by Mr. M. V. Ramakrishnaraao the Assistant Personnel Officer who represented the Management. The objection is that what we have here is not an industrial dispute but that it is an individual dispute. Two grounds are advanced in support of that contention. Both these grounds are set out in the counter filed by the Management. The first ground is that the dispute relating as it does to a single worker does not involve any general principle applicable to the general body of workers. In order that a dispute in respect of a single workman should assume the stature of an industrial dispute, it is not necessary that it should involve the general body of workmen in any particular establishment. Such a dispute could become an industrial dispute provided it has been validly espoused. It had been so held by Their Lordships of the Supreme Court in *News Papers Limited V. State Industrial Tribunal* [1957 (II) LLJ 1]. The second ground urged by Mr. Ramakrishnaraao is that there has not been a valid espousal.

6. The second ground referred to at the end of the paragraph above is well taken. The grievance of the claimant goes as far back as to the middle of the year 1949. At that time he was not a member of any trade union. For the first time he became a member of the Tandur Coal Mines Labour Union in the middle of the year 1960. He stated so in his cross-examination from the witness box. Later he shifted his membership to Singareni Collieries Mazdoor Sangh. He said that he did that in July 1961. But actually it was in January 1962 that he did so as stated by W.W.2, Mr. S. K. Srinivasan who is the General Secretary of the Mazdoor Sangh. Before I proceed further in this behalf, I will refer to the decision of the High Court of Andhra Pradesh in *Padarti Ratnam & Co., V. Industrial Tribunal & Others* [1958 (II) LLJ P-290]. In that case the employers, Padarti Ratnam & Co. who are a tobacco company, had dismissed 3 workmen for certain misconduct. A dispute was raised about it. The then Government of Andhra had referred that case to the Industrial Tribunal which was then located at Guntur. Apart from the merits as such of that dispute, the employers contended before the Tribunal that it did not have jurisdiction to enquire into the matter because what was before it was not an industrial dispute within the meaning of Section 2(k) of the I.D. Act, and that therefore the reference did not confer jurisdiction on it to make adjudication under the Act. So far as this particular objection was concerned, these were the facts. The claimants therein were not members of any union before the date of their dismissal. Immediately after their dismissal they and some other workers who were similarly dismissed by the Company, joined the Guntur Town Tobacco Workers Union. There was no separate union representing the workers of the Company though there was a union for all tobacco workers in Guntur. Following the claimants joining the Guntur Town Tobacco Workers Union as above said, the Assistant Secretary of the Andhra Provincial Tobacco Workers Federation, Guntur, to which the Guntur Town Tobacco Workers Union was affiliated, filed a complaint before the Labour Officer about the claimants, who thereupon initiated conciliation proceedings. The Industrial Tribunal had held that what was before it was an industrial dispute and that therefore it had jurisdiction to entertain the dispute for adjudication. In the Writ Petition filed before the High Court His Lordship Mr. Justice (as he then was) Satyanarayana Raju observed as below:—

Inspite of the fact that the making of a reference by the Government under the Industrial Disputes Act is in the exercise of its administrative powers, that is not destructive of the rights of an aggrieved party to show that what was referred was not an industrial dispute at all and that therefore the jurisdiction of the Industrial Tribunal to make the award can be questioned, even though the factual existence of a dispute may not be subjected to a party's challenge.

His Lordship observed that a dispute simpliciter between an employer and a workman might develop into an industrial dispute within the meaning of Sec. 2(k) of the Act if the cause is espoused by a Union of which he is a member. I have already referred to the facts in that case, one of which is that it was after their dismissal that the claimants therein had joined a trade union. On a consideration of those facts, His Lordship observed as follows:—

On a consideration of the relevant provisions of the Act and the decided cases, I am led to conclude that the membership of the Union, which would give jurisdiction to espouse their case, must be one anterior to the date of dismissal and not subsequent to it. The primary requirement, as I see it must be that on the date on which some disciplinary action is taken against the aggrieved workmen, their case must be espoused either by a union of which they are members or by a substantial section of their entire establishment where the dis-

missed workmen were formerly employed. It may be that a recognised part of the establishment also can take up their case. But so long as a substantial section of the entire establishment or a recognised part of the establishment does not take up their case, there could be no industrial dispute, the existence of which is a pre-requisite for the assumption of jurisdiction by the Tribunal.

His Lordship held that the dispute in the citation was not an industrial dispute but was an individual dispute and that therefore the Tribunal had no jurisdiction to adjudicate upon that dispute.

7. I have already drawn attention to the fact that the claimant in the instant case was not a member of any union at the time his claim started. It will be noticed that the claim is to arrears of the difference between the scale of (OS) Rs. 35—65 and the scale of (OS) Rs. 40—100 from the 1st July 1949 to 1st July 1951. It was not until in 1960 that he had joined the Tandur Coal Mines Labour Union. That union did not espouse his case at any time. It is only the Singareni Collieries Mazdoor Sangh that purported to espouse it as per Ex. M3 dated 8th August 1962. Earlier that year the claimant had shifted his membership to the Mazdoor Sangh. Merely the Secretary or the President of the Mazdoor Sangh writing to the appropriate authority making claim on behalf of the claimant would not make that claim an industrial dispute. There is absolutely no evidence that the Mazdoor Sangh had passed a resolution to espouse the case of the claimant Venkateswararao. There is absolutely no evidence that any of his co-workers in his establishment have taken up his cause. Clearly it was an individual dispute and not an industrial dispute. The reference is therefore not valid. This Tribunal has no jurisdiction to adjudicate the dispute.

8. The objection with regard to the validity of the reference was argued at the conclusion of the enquiry. Had it been brought to my notice by the representative of the Management even at the inception, i.e., before the enquiry was taken up, then I would have considered that as a preliminary issue. Doing so, had I found then that the objection was sustainable, there would have been no need for me to proceed with the enquiry on merits of the claim and receive evidence in that respect. But as the position now is, the enquiry had been concluded and the evidence, both oral and documentary, had been received. Although I had concluded as in the paragraph above that the reference was not competent, I would however proceed to consider the claim on merits on the evidence let in and record my findings.

9. Now I will deal with the merits of the cases. Two questions arise for consideration. The first is whether on 1st July, 1949 Venkateswararao was in the grade of Rs. (OS) 35—2—65 and therefore was entitled to be given the grade of Rs. (OS) 40—100 with effect from the date of implementation of the recommendations of the Jadhav Committee. It is an admitted fact that he was given that grade, viz., that of Rs. 40—100 (OS), from 1st July 1951. He claims that he should have been given that grade with effect from 1st July 1949, so that he claims the difference of arrears for the two years. On the other hand the contention of the Management is that he was appointed only as a part time clerk on a daily wage of Rs. (OS) 1—8—10 and that it was only later that he became a full time clerk so that he was fitted into the Rs. (OS) 40—100 grade from 1st July 1951. It is for the Management to establish that to start with the employment of Venkateswararao was on daily wage and not on monthly wage and that at that time he was only a part time clerk. The second point to be considered is this. Even if it is established that Venkateswararao was appointed as a full time clerk and was therefore entitled to the grade of Rs. (OS) 40—100 from 1st July 1949, whether his claim is belated.

10. Venkateswararao, W.W.I, said that his appointment on 19th June 1949 was as muster assistant clerk, his duty being to prepare pay sheets, check the muster and make disbursements. He denied the suggestion in cross-examination that he was first appointed as an oil issuer on a daily wage of Rs. 1-8-0. He also denied the suggestion that on 1st July 1949 he was appointed only as a semi-clerk. The witness said that he did not have any order with him to show that he was a full time clerk as on 1st July 1949. It was not likely that W.W.I would retain any such order till now. Any such order with regard to the first employment of Venkateswararao on 19th June 1949 or as to how he was appointed with effect from 1st July 1949, the Management should be able to produce the same. That was not done. Presumably any such old record is not available. Actually the Management had taken more than two years time for the purpose of being enabled to trace the old records when the matter was before the conciliation machinery.

11. We have however to see what was the nature of Venkateswararao's employment as from 1st July 1949. On a scrutiny of the available evidence it is seen that as from 1st July 1949, Venkateswararao was a monthly rated clerk. This is admitted by M.W.1. Ex. M1 dated 7th August 1962 is representation from the Mazdoor Sangh to the General Manager claiming that Venkateswararao was entitled to leave privileges of a total of 70 days per year whereas he was being given leave of only 14 days on par with those appointed after 1st July 1949. The basis of the claim is stated in Ex. M1 to be that his appointment on 19th June 1949 was as muster clerk. W.W.1 stated in his cross-examination that those who were appointed in monthly grades prior to 1st July 1949 were getting 70 days leave privileges according to the old Leave Rules of the Company and that he did not have that leave concession. If, as admitted by him, W.W.1 did not have that leave concession, then it means that his first appointment on 19th June 1949 was not in a monthly grade but was on the basis of a daily wage as claimed by the Management. When the representation Ex. M1 was received, the endorsement made thereon is this:

Sri K. Venkateswararao was brought on to monthly pay scale with effect from 1st July 1949. The staff who were brought on the monthly scale on 1st July 1949 are not eligible for old leave privileges which they never enjoyed.

Thus the application, Ex.M1, was rejected, and as also by a separate order Ex.M2 dated 12th November, W.W.1 said that he did not pursue the matter. It is thus an established fact that Venkateswararao was put on monthly pay scale only from 1st July 1949. Neither Ex.M1 nor the endorsement thereon, nor Ex.M2, states what was such scale. It should be presumed to be the old scale of Rs. (OS) 35—65. Ex.M6 is the list of increases to the clerical staff at Andrews No. I Incine for the year 1949. The name of Venkateswararao is not in it. The note at the foot of Ex.M6 states that the revisions are in accordance with the grades recommended by the Jadhev Committee. Ex M7 is the list of increases for office staff for the year 1951. The name of Venkateswararao finds mention there, and he is shown as Assistant Clerk and his grade is shown as (OS) Rs. 35—2—65. Ex.M8 is a similar list for the year 1953. Venkateswararao is shown in it as a full clerk, viz., muster clerk, and his grade is shown as Rs. (OS) 40—100. It is an admitted fact that from 1st July 1951 he was given that grade. Here itself I may refer to the other documents on record. Ex.M3 dated 7th August 1962 is letter from the Mazdoor Sangh to the General Manager claiming that the grade of Rs. 40—100 (OS) should have been given from 1st July 1949. Ex.M4 dated 2nd January 1965 is letter from the Mazdoor Sangh to the Labour Inspector and Conciliation Officer (C), Kothagudium, requesting him to intervene in the matter. Ex.M5 dated 11th May 1965 is letter from Mazdoor Sangh to the same officer with a similar request. Ex.W1 which is the only document filed on the side of the claimant is minutes of discussion between the Management and the Mazdoor Sangh on 31st October 1962. Those discussions were inconclusive because the Management had wanted time to verify facts from records.

12. Now the question is whether the grade of Rs. (OS) 40—100 should have been given to Venkateswararao from 1st July 1949. It will be noticed that what was submitted by the Jadhev Committee was only a report containing recommendations. It was not an award. The notification of the Government of Hyderabad which is based on the Report of the Jadhev Committee is dated 21st July 1949. Paragraph 16 of that notification states that the Government of Hyderabad accepts the recommendations of the Committee generally. In paragraph 16(c) it is stated as follows:—

In respect of the scales of clerical staff given in paragraph 3 above it is necessary to retain the existing grade of Rs. 35—65 to provide for certain staff who really fall outside the category of clerks.

Paragraph 3 of the Notification deals with "grades of clerical staff". The last grade there is Rs. 40—100. It would therefore mean that those in the grade of Rs 35—65 are outside the category of these clerks. It will be noticed that in Ex.M7 Venkateswararao is shown as Assistant Clerk. W.W.1 admitted that there is a category of Asstt. Muster Clerk in the Company, although he would say that the duties of an assistant muster clerk are the same as the duties of muster clerk. He admitted that it was in July 1951 that he was promoted as muster clerk when he was given the grade of Rs. (OS) 40—100. It was not every one in the grade

of Rs. 35—65 as on 1st July 1949 who was given the recommended grade of Rs. 40—100. It was only those of the clerical staff who were full clerks as on 1st July 1949 who were given that grade even from that date. That seems to be the position because W.W.1 admitted that even after 1st July 1949 there were some employees in the grade of Rs. 35—65. A comparison of paragraphs 3 and 16 and of paragraph 16(c) of the Notification of the Government of Hyderabad would also seem to underline this distinction. As I said, what was submitted by Jadhev Committee was not an award but was a report with recommendations. Paragraph 17 of the Notification states that the Government trusts that the Singareni Collieries would implement the recommendations as modified by the Resolution of the Government as early as possible. What the Company had done was to give the higher grade of Rs. 40—100 to full time clerical staff as from 1st July 1949, and had retained in the grade of Rs. 35—65 those who were Assistant Muster Clerks. Later, the higher grade was given to the Assistant Muster Clerks also after they became full muster clerks, as was done in the case of Venkateswararao from 1st July 1951. On a careful consideration of the facts in the case I am of the opinion that Venkateswararao was not, as of right, entitled to the grade of Rs. 40—100 even from 1st July 1949. The Mazumdar Award improved the grade of Rs. (OS) 40—100 by making it Rs. (I.G.) 48—100. W.W.1 said at the end of his cross-examination that he had reached the maximum in that grade in July 1966.

13. Assuming for the purpose of argument that Venkateswararao had the right to be placed in the grade of Rs. 40—100 (OS) even from 1st July 1949, the question is whether the claim in respect thereof from that date to 1st July 1951 is belated. I will say it is hopelessly belated. I do not mean to say that I am applying any law of limitation as one would in civil suits. I will here refer to the observations of Their Lordships of the Supreme Court in Indersingh and Sons Ltd. v. Their Workmen [1961 (II) LLJ page 89]:

It is true that laws of limitation which might bar any Civil Court from giving remedy in respect of lawful rights are not and should not be applied by the Industrial Tribunals. On the other hand it is a well accepted principle of industrial adjudication that over-stale claims should not generally be encouraged or allowed unless there is a satisfactory explanation for the delay. Apart from the obvious risks to industrial peace from the entertainment of claims after a long lapse of time, it is necessary also to take into account the unsettling effect this is likely to have on the employers financial arrangements. Whether a claim has become too stale or not will depend on the circumstances of each case.

Their Lordships drew attention to an earlier decision of the Supreme Court in Jhagrakhand Collieries Ltd. v. Central Government Industrial Tribunal [1960 (II) LLJ 71]. There it was held that it was not fair or just to allow the workmen the benefit of an increase directed by the award even prior to the date of the demand. Their Lordships also referred to another decision of the Supreme Court in United Collieries Ltd. v. Its Workmen [1961 (II) LLJ, 75] in which it was pointed out that the Industrial Tribunal should pay particular attention to the date when the demand was first made. W.W.1 stated that he had been sending petitions even from the year 1949 onwards about his claim. He denied in his cross-examination that he had not sent any such petitions from that point of time. He said that he did not have office copies of any of the petitions given by him to the Management and that he did not have any acknowledgment from the Management that they received any such petitions. But he denied that Ex.M3 dated 8th August 1962 was the first of its kind. He added that he had sent one earlier, viz., on 26th April 1961 by himself. Except his own statement in this behalf there is no evidence that he had sent any such petition in the month of April 1963. Having regard to the evidence on record, it should be taken as an established fact that it was for the first time in the month of August 1962 that the first demand had been made. That would be about 13 years after the claim is said to have first accrued. This is hopelessly belated. Several things have happened meanwhile. The wage structure which was adopted on the basis of the recommendations of the Jadhev Committee has given place to the wage structure adopted following the implementations of the Mazumdar Award. The grades which were in the O.S. currency had been changed into the Indian currency. A large number of clerks have become senior to Venkateswararao. Now to admit his claim would upset all that. Under these circumstances the claim under reference has to be held to be hopelessly belated.

14. My finding under Issue 1 is that K. Venkateswararao, clerk in the pay roll section, is not entitled to the grade of Rs. 40—100 even from 1st July 1949, and that

even he was so entitled his claim therefor is hopelessly belated. My finding under issue 2 is that there is no question of granting any relief to him in respect of the claim made by him.

Award passed accordingly.

Given under my hand and the seal of the Tribunal, this the 15th day of November 1966.

M. NAJMUDDIN,
Industrial Tribunal.

Appendix of Evidence:

Witnesses examined for :

Workmen:

W.W.1: Sri K. Venkateswararao.

W.W.2: Sri S. K. Srinivasan.

Documents Exhibited for Workmen:

Ex. W1: Minutes of discussions held between the Management and the Singareni Collieries Mazdoor Sangh on 31st October, 1962 regarding the demand for refixing the basic pay of Sri K. Venkateswararao, Clerk.

Documents exhibited for Employers:

Ex. M1: Letter dated 7th August 1962 by the General Secretary of Singareni Collieries Mazdoor Sangh to the General Manager of the Collieries with regard to leave of Sri K. Venkateswararao.

Ex. M2: Reply of the General Manager of the Collieries to the General Secretary of the Mazdoor Sangh dated 12th November 1962 with regard to leave of Sri K. Venkateswararao.

Ex. M3: Letter of General Secretary of the Sangh to the General Manager of the Collieries dated 7th August 1962 requesting to fix the pay of Mr. Venkateswararao at Rs. 100/- P.M. from 1st July 1962.

Ex. M4: Letter dated 2nd January 1966 of the General Secretary of the Collieries Mazdoor Sangh to the Labour Inspector (C) Kothagudium regarding revision of grades in the case of K. Venkateswararao.

Ex. M5: Letter dated 11th May 1965 of General Secretary of the Collieries Mazdoor Sangh to the Central Labour Inspector (C) Kothagudium regarding revision of grades in the case of K. Venkateswararao.

Ex. M6: List dated 13th September 1949 of the Management of the Singareni Collieries Co. Ltd., Kothagudium, with regard to increments given in Andrews Incline No. 1 Clerical Staff for the year 1949.

Ex. M7: List of increases to A.I. No. I Office Staff for the year 1951.

Ex. M8: -Do- for the year 1953.

M. NAJMUDDIN,
Industrial Tribunal.

[No. 7/15/65-LRII.]

New Delhi, the 5th December 1966

S.O. 3845.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Industrial Tribunal, Dhanbad, in the Industrial dispute between the employers in relation to the Madhuban Lodna Colliery, P.O. Jharia, (Distt. Dhanbad) of M/s. Waliram & Co. P.O. Dhanbad and their workmen, which was received by the Central Government on the 1st December, 1966.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT DHANBAD**

In the matter of an industrial dispute under Section 10(1)(d) of The Industrial Disputes Act, 1947.

REFERENCE NO. 25 OF 1964

Employers in relation to Madhuban Lodna Colliery, P.O. Jharia. (Dhanbad).

AND

Their Workmen.

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Employers—Sarvashri S. S. Mukherjee, Advocate and A. N. Sharma.

For the Workmen—Sarvashri B. Lal, Advocate, and Jaimurat Singh, Branch Secretary of the Union.

STATE: Bihar.

INDUSTRY: Coal.

Camp: Patna. dated. the 18th October, 1966.

AWARD

By its Order No. 2/18/64-LRII dated 29th February 1964, Government of India, Ministry of Labour & Employment, referred to this Tribunal for adjudication, under Section 10(1)(d) of The Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the management of Madhuban Lodna Colliery, P.O. Jharia, Dist. Dhanbad of M/s Waliram and Company, Post Office Dhanbad (District Dhanbad) and their workmen in respect of the matters specified in the schedule annexed to the order of reference which is reproduced below:

SCHEDULE

"Whether the stoppage of work of the following workmen of Madhuban Lodna Colliery, Post Office Jharia (District Dhanbad) of Messrs Waliram and Company, Post Office Dhanbad (District Dhanbad) with effect from the dates noted against each was justified? If not, to what relief are the workmen entitled?

1. Shri Lalan Yadav, Bailing Cooly, 29th October 1963.
2. Shri Sukar Yadav, Line Cooly, 29th October 1963.
3. Shri Hari Yadav, Trammer, 29th October 1963.
4. Shri Chabila Yadav, Chhota Line Cooly, 29th October 1963.
5. Shri Bharat Yadav, Bailing Cooly, 29th October 1963.
6. Shri Jabbar Ansari, Hazri Cooly, 29th October 1963.
7. Shri Rambilas Yadav, Bailing Mazdoor, 23rd December 1963.

2. On 14th October 1966 when the case was taken up for hearing S/Shri S. S. Mukherjee, Advocate and A. N. Sharma Colliery Superintendent, appeared for the management and Sarvashri B. Lal, Advocate, Vice-President and Jaimurat Singh, Branch Secretary, Khan Mazdoor Congress, appeared for the concerned workmen.

3. All the above parties filed a joint petition of compromise signed by the above four persons and jointly prayed that an award in terms of the said compromise marked *Annexure 'A'* be passed and the reference be disposed of accordingly.

4. I have read the terms of the compromise and, in my opinion, they are fair and in the interest of both the parties, and, therefore, I accept the compromise and record the same.

5. The reference is accordingly disposed of in terms of the compromise *Annexure 'A'* and an award in terms of the said compromise is made and the said compromise *Annexure 'A'* is made a part of the said award.

6. This is the award which I make and submit to the Central Government under Sec. 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer.

Central Govt. Industrial Tribunal, Dhanbad.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 25 OF 1964

Employers in relation to the Managing Agent of Madhuban Lodna Colliery of M/s. Waliram & Co.

AND

Their workmen represented by the Khan Mazdoor Congress.

That without prejudice to the respective contention of the parties, they have come to an amicable settlement in the above reference, on the following terms:—

1. That since the raising and selling contract of Madhuban Lodna Colliery, in relation to seams No. 11/12 is over, there was no place where the workmen mentioned in the terms of reference could be absorbed.

2. That the union does not want to press their claim arising out of the stoppage of the work of the workmen concerned.

3. That it is agreed that M/s. Waliram & Co., will re-employ the workmen concerned, if & when their working in 11/12 seams in the colliery will restart.

4. That the employers will issue individual notice to the workmen concerned, offering re-employment, when the same will arise with a copy to the union.

5. That the parties will bear their own respective costs.

It is therefore humbly prayed that the above compromise may kindly be recorded and an award passed in terms thereof.

For Workmen

for M/s. Waliram & Co.

(Sd.) B. LAL,

(Sd.) A. N. SHARMA,

14-10-66.

Vice President.

Colliery Superintendent.

(Sd.) Illegible.
14-10-66,

Khan Mazdoor Congress.

(Sd.) JAIMURAT SINGH,
Branch Secretary,
Khan Mazdoor Congress.

[No. 2/18/64-LR.II(1).]

S.O. 3846.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Madhuban Lodna Colliery, Post Office Jharia, District Dhanbad, of Messrs. Waliram and Company, Dhanbad, and their workmen, which was received by the Central Government on the 30th November, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of an industrial dispute under Section 10(1)(d) of The Industrial Disputes Act, 1947.

REFERENCE No. 82 OF 1964

Employers in relation to Madhuban Lodna Colliery, P.O. Jharia. (Dhanbad)

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Employers:—Sarvashri S. S. Mukherjee, Advocate and A. N. Sharma.

For the Workmen:—Sarvashri B. Lal, Advocate and Jaimurat Singh, Branch

Secretary of the Union.

INDUSTRY: Coal.

STATE: Bihar.

CAMP: Patna, dated the 18th October, 1966

AWARD

By its Order No. 2/18/64/LRII, dated 14th July, 1964, the Government of India, Ministry of Labour and Employment, referred to this Tribunal for adjudication, under Section 10(1)(d) of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the management of Madhuban Lodna Colliery, P.O. Jharia, Dist. Dhanbad of M/s. Waliram and Company, Post Office, Dhanbad, (District Dhanbad) and their workmen in respect of the matters specified in the schedule annexed to the Order of reference which is reproduced below:—

SCHEDULE

"(1) Whether the management of the Madhuban Colliery of Messrs. Waliram and Company, Dhanbad, was justified in terminating the lien of Shri Sagram Harijan, as Prop. Mazdoor?

(2) If not, to what relief is the workman entitled?"

2. On 14th October, 1966 when the case was taken up for hearing S/Shri S. S. Mukherjee, Advocate and A. N. Sharma, Colliery Superintendent, appeared for the management and Sarvashri B. Lal, Advocate, Vice-President and Jaimurat Singh, Branch Secretary, Khan Mazdoor Congress, appeared for the concerned workman.

3. All the above parties filed a joint petition of compromise signed by the above four persons and jointly prayed that an award in terms of the said compromise marked Annexure 'A' be passed and the reference be disposed of accordingly.

4. I have read the terms of the compromise and, in my opinion, they are fair and in the interest of both the parties, and, therefore, I accept the compromise and record the same.

5. The reference is accordingly disposed of in terms of the compromise Annexure 'A' and an award in terms of the said compromise is made and the said compromise Annexure 'A' is made a part of the said award.

6. This is the award which I make and submit to the Central Government under Section 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,
Presiding Officer,

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 82 OF 1964

Employers in relation to Madhuban Lodna Colliery

AND

Their workmen, represented by Khan Mazdoor Congress.

That without prejudice to the respective contention of the parties the above reference has been amicably settled between the parties on the following terms:

1. That M/s. Waliram & Co., were the raising contractors of Madhuban Lodna Colliery regarding 11/12 seam.

2. That as the raising contract of 11/12 seams of M/s. Waliram & Co. has been terminated on account of exhaustion of coal of those seams at Madhuban Lodna Colliery, no useful purpose will be secured by perusing the claim on behalf of the workmen any further.

3. That on account of the above there was no working places at Madhuban Lodna Colliery where the workmen could be continued in their employment.

4. That in view of the above position the union does not want to peruse its demand on account of the stoppage of work of workmen concerned.

5. That M/s. Waliram & Co., will however intimate to the workmen by proper notices for reemployment when 11/12 seams will be restarted by them. Copy of the notices will be forwarded to the union also.

6. That the parties will bear their own respective costs. It is therefore humbly prayed that the above compromise may kindly be recorded and an award passed in terms thereof

For workmen.

(Sd.) B. LAL

Vice-President, Khan Mazdoor Congress.

FOR WALIRAM & CO.,

A. N. SHARMA,

14-10-66,

Colly. Superintendent.

(Sd.) Illegible.

JAIMURAT SINGH,
Branch Secretary,
Khan Mazdoor Congress.

[No. 2(18)/64-LRII(ii).]

S.O. 3847.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudium Collieries, Andhra Pradesh, and their workmen, which was received by the Central Government on the 1st December, 1966.

BEFORE THE INDUSTRIAL TRIBUNAL (C), ANDHRA PRADESH, HYDERABAD
PRESENT:

Shri Mohammad Najumuddin, M.A., B.L., Chairman, Industrial Tribunal,
Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 33 OF 1966

BETWEEN

Workmen of Singareni Collieries Company Ltd., Kothagudium
AND

Employers of the Singareni Collieries Co. Ltd., Kothagudium.

APPEARANCES:

Shri S. K. Srinivasan, General Secretary, Singareni Collieries Mazdoor Sangh—for the workmen.

Sri P. Sitapati, Advocate, and Sri M. V. Ramakrishna Rao, Assistant Personnel Officer—for the Employers.

AWARD

The Government of India, in its Ministry of Labour, Employment and Rehabilitation, had, by its Order No. 7/39/65-LRII, dated 28th May, 1966, referred this case to me for adjudication. The issues settled as per Schedule annexed to the Notification are these:

(1) Having regard to the provisions of Trademen's Agreement, dated 3rd February, 1961, whether the demand of the Singareni Collieries Mazdoor Sangh to promote one of the workmen employed in moulding section of the main workshop of the Singareni Collieries Company Limited, to the post of charge hand in that section filled up by the management of the Company by the promotion of Shri K. Basaviah, pattern maker of the carpentry section, is justified?

(2) If so, to what relief are the workmen entitled?

2. K. Basaviah, master grade pattern maker, main workshop, Kothagudium, was promoted as charge hand in the moulding section of the main workshop with effect from 9th August, 1965 in the vacancy of N. Kotiah. That order which is signed by the General Manager of the Company was preceded by the recommendation dated 24th August, 1965 in that behalf made by the Chief Engineer of the Company. The claimants in this case are moulders in the foundry section. Their case is represented by the Singareni Collieries Mazdoor Sangh. The case of the

claimants as set out in the statement of claims is that Basaviah really belongs to the carpentry section and therefore if a charge hand was to be appointed in the moulding section, one of the moulders should have been promoted as such instead of bringing in a worker from the carpentry section. The basis of this contention is that the Tradesmen Agreement, dated 3rd February, 1961 provided for promotions within a given section. It will be noticed that the Tradesmen Agreement is referred to in the issue in the reference. It is pointed out in the statement of claims that the action of the Management in promoting Basaviah as above said was *mala fide* in that favoured treatment was given to him because he was a delegate of the Singareni Collieries Workers Union (AITUC). It is therefore prayed that the order promoting K. Basaviah to the post of charge hand in the moulding section may be set aside and that the Management may be directed to promote one of the moulders from the moulding section as charge hand in that section.

3. The Management filed counter. A preliminary objection is taken to say that the reference was bad in law because the subject of the reference was not covered by either the 2nd Schedule or the 3rd Schedule of the Industrial Disputes Act, and that therefore the Tribunal had no jurisdiction to entertain the dispute. Referring to the merits of the case, the counter is that the Tradesmen Agreement, dated 3rd February, 1961 had not been violated in any manner, and that the said Agreement does not in any way regulate promotions of workmen or tradesmen who are in the scale of Rs. 70—100 and above. It is pointed out that it was only for the sake of convenience that Basaviah had his place of work as pattern maker in the carpentry section, but that actually he was attached to the moulding section in that moulds have to be made from the patterns and the castings have to be made from the moulds. That being so, it is contended, the claimants cannot contend that only a moulder in the foundry section could have been promoted as charge hand in that section. It is further pointed out that so far as the Tradesmen Agreement is concerned, any promotions that could be claimed by workers in any particular section could only be within the categories provided in that section the highest category being category IX, but not promotion to either the master grade or the charge hand in that section, these two posts being of a supervisory nature. It is submitted in the counter that in any case promotion of a worker to the post of a charge hand was managerial function and that the same could not be questioned.

4. One witness is examined for the claimants. He is Mr. S. K. Srinivasan, General Secretary of the Singareni Collieries Mazdoor Sangh. Only one document was marked on their side. It is Ex. W1, dated 9th July, 1965 which is a Memorandum of Settlement. I would refer to it presently. Two witnesses were examined on the side of the Management. M.W.1 is Mr. K. Daniel who is the Welfare Officer of the Engineering Departments of the Company. M.W.2 is K. Basaviah whose appointment as charge hand in the moulding section had been taken umbrage to by the claimants. Eight documents are marked on the side of the Management. They are Exs. M1 to M8.

5. I will first take up the preliminary objection raised by the Management. The Management contend that the reference was bad in law because the subject matter of the issue, *viz.*, promotion, was not covered either by the 2nd Schedule or the 3rd Schedule of the I.D. Act, 1947. I do not agree that the reference is bad in law. It is no doubt true that the subject of promotion is not one of the items either in the 2nd Schedule or in the 3rd Schedule. But it will be seen that the 6th and the last item in the 2nd Schedule is "all matters other than those specified in the 3rd Schedule". The question of promotion, although promotion is managerial function, could be of wider application so as to involve the interests of the general body of workers. It is this way. If it is merely a question of promoting A or B within a particular section, then of course the Management could, in its judgment, choose B for promotion to a supervisory post in that section in preference to A who is senior to B, having regard to efficiency and aptitude. The dispute now under consideration is not within such narrow compass. What the claimants contend is that a worker from another section cannot be appointed to a supervisory post in a particular section in preference to the worker in the latter section. This is certainly of interest to the general body of workers because it affects promotions in different sections of the Company. Whether that contention of the claimants can or cannot be sustained ultimately, is a different consideration. For the immediate purpose of the preliminary objection, what is to be seen is whether the stand taken by the claimants is of a general character. It is of a general character. Such a stand could be subject of an industrial dispute. I hold that the reference is valid and that I have jurisdiction to entertain the industrial dispute.

6. Issue 1 in the reference raises the question whether having regard to the provisions of the Tradesmen Agreement, dated 3rd February, 1961, the demand of the Mazdoor Sangh that one among the workers in the moulding section should be promoted as charge hand in that section and not one from the carpentry section, is justified. The Tradesmen Agreement is marked as Ex. M1. The point to be considered is whether there is any provision in that Agreement regulating promotions to supervisory posts in different sections of the Company. The preamble to the Agreement states that having regard to the large number of representations received from time to time in that behalf it has been considered appropriate to review all the categories and to reflux the same wherever necessary, taking into account the type of work that is being done and allowing suitable avenue for promotion. After that the requisite re-organisation was made in the various sections and the number of workers in each category was increased. In the foundry section there are 5 categories, the last being category V and the highest being category IX. The moulders in that section are shown in these 5 categories.

7. It is common ground that the Company does not have rules as such for regulating promotions. W.W.1 admitted that. But what we have to see is whether there is any guide line from the Tradesmen Agreement (Ex. M1) with regard to the matter of promotions. I have already drawn attention to the preamble in Ex. M1. It is seen from it that primarily the object of that Agreement was to reflux the various categories and to increase the number of workers in each category in any given section of the Company. One of the objects for putting into effect the scheme set out in Ex. M1 was "allowing for suitable avenues for promotion". Taking the foundry section, for instance, there are, as I pointed out earlier, 5 categories of moulders, *viz.*, categories V, VI, VII, VIII and IX. The avenue of promotion would be, to start with, from category V and going up to category IX. These 5 categories, it being common ground during the enquiry as per evidence, are daily-rated workers. If there is a master grade or a charge hand in any section, he is a monthly rater in a given scale of pay. W.W.1 Mr. S. K. Srinivasan who is the General Secretary of the Mazdoor Sangh stated as follows in his cross-examination :

In the Tradesmen Agreement, dated 3rd February, 1961 (Ex. M1) there is no reference to the post of a charge hand. Under that agreement the maximum category provided for a moulder is category IX. That Agreement provides for trade test for a worker for giving him a particular category. The Agreement fixed the strength in each section. The categories were there even before the Agreement, but they were regularised by the Agreement. In the last paragraph of the Agreement promotion is made dependent upon passing the trade test. That is in respect of promotion from one category to another category of daily raters. The categories are mentioned as against the daily raters. The post of a charge hand is monthly rated. All the moulders on whose behalf this dispute is raised are in daily rated categories. In the foundry section (page 4 of the Agreement) the highest category, which is category IX, is moulders. Above category IX there is no mention of charge hand there.

The above answers of W.W.1 vindicate the stand taken by the Management in that they contend that the Tradesmen Agreement does not lay down any provision or rule in the matter of making promotion to the post of a charge hand. Thus it is seen that the words "allowing for suitable avenues for promotion" in the preamble of the Tradesmen Agreement would be referable to promotions between category V at the bottom to category IX at the top, and that too it being made dependent upon the workers passing trade tests for promotion from one category to a higher category, that is between category V to category IX. Thus the only matter about which the Tradesmen Agreement provides is promotion in respect of only categories V to IX, and that too subject to passing of trade tests. That Agreement does not lay down any rule for promotion to charge hand in any particular section. That Agreement does not lay down that when a charge hand is posted to a particular section he should be one who is a worker in that section and not one who is a worker from another section, even assuming that a pattern maker who is shown as being in the carpentry section belongs to a different section altogether from the foundry section.

8. What I have said in the two foregoing paragraphs is with reference to the contention of the claimants that a pattern maker belongs to a section, *viz.*, the carpentry section, which is altogether different from the foundry section or the moulding section. The case of the Management is that although formally a pattern

maker is said to belong to the carpentry section, he really belongs to the moulding section because the patterns he makes are used for preparing mud moulds and from the latter to prepare metal castings. This contention of the Management seems to be well founded. It will be noticed that before his appointment as charge hand in the foundry section, K. Basaviah was a master grade pattern maker. At page 83 of Volume II of the Mazumdar Award job description No. 7 is as follows :

Pattern Maker grade I.—A workman capable of reading drawings and of making patterns in accordance with such drawings. He must have sufficient knowledge of machining and moulding technique to enable him to produce satisfactory patterns.

From the above description it is seen that a pattern maker was not just a carpenter. He should have sufficient knowledge of machining and moulding technique. M.W.1 stated that pattern making is a precision job. The drawings for the pattern are made by the Engineer. In order that the moulding should be satisfactory and that the ultimate product, *viz.*, the metal casting, is of the required specification, it is necessary that the pattern should be perfect in accordance with the drawings made by the Engineer. That is why pattern making is, as stated by M.W.1, a precision job. That statement is not gainsaid in his cross-examination. M.W.2 claimed that he had to follow the moulding and the casting in the moulding section to see to it that the ultimate product is correctly produced. It was suggested to M.W.2 in his cross-examination that he did not have knowledge of moulding. The witness denied the suggestion. Mr. Kannabhiram, Counsel for the claimants, put a question to test his knowledge about moulding and metals. He asked the witness as to what was the composition of bronze. The witness replied that its composition was 90 per cent. copper and 10 per cent. block tin. He certainly would have sufficient knowledge of moulding. In fact that is the job description in the Mazumdar Award. The Chief Engineer would not have recommended his promotion as per Ex. M5 as charge hand in the foundry section unless Basaviah had the necessary qualifications and also knowledge of moulding. M.W.1 stated that the job of moulders was finished with pouring molten metal into the mud moulds and that thereafter the finished casting is checked by the charge hand and the pattern maker. Thus it is seen that the pattern maker Basaviah was really connected with the foundry section wherein the castings are made from mud moulds which are prepared according to the patterns made by him. It is not as if he was a stranger from a wholly different section altogether inducted into the moulding section.

9. The claimants cannot really have any complaint on the appointment of Basaviah as charge hand as per order Ex. M6, dated 15th October, 1965. The Tradesmen Agreement Ex. M1 does not provide for a charge hand in the foundry section. The moulders in the foundry section cannot claim that it is one of them that should have been promoted as charge hand in that section as the Tradesmen Agreement does not provide for it. In any case the main purport of the duties of Basaviah as pattern maker makes him really belong to the foundry section. At page 24 of the Apprentices Rules of the Apprentices Act of 1961 the pattern maker is shown as belonging to the foundry trades group. Two designations are mentioned in it, the first being pattern maker and the second being moulder. Basaviah had succeeded N. Kotiah as charge hand in the moulding section. M.W.1 said that Kotiah was a pattern maker in the moulding section before he became a charge hand. Ex. M3 is the service card of Kotiah in which he is described as "carpenter (pattern maker)". M.W.1 stated that whenever Kotiah went on leave or was absent from duty Basaviah was appointed to officiate as charge hand in the moulding section. Ex. M4, dated 27th October, 1964 is order by which Basaviah was posted to officiate as charge hand in the foundry section in the place of Kotiah who had been granted leave on loss of pay. Ex. M4(a), dated 12th February, 1965, is a similar order when Kotiah was granted leave for 15 days. By order Ex. M4(b), dated 7th September, 1965, Basaviah was granted officiating allowance of charge hand for the period between 12th March, 1965 to 8th August, 1965 in the place of Kotiah. If as pattern maker Kotiah was not to be considered as really belonging to the moulding section, then I do not see how the claimants could have tolerated Kotiah being the charge hand in that section. W.W.1 admitted in his cross-examination that Kotiah was the charge hand in the moulding section before Basaviah was appointed, but he would deny Kotiah was a pattern maker. He said that he was not aware if Basaviah was officiating as charge hand in the moulding section whenever Kotiah went on leave or was absent. Surely, W.W.1 should know about it. In any case we have Exs. M4, M4(a), and M4(b) to prove that fact. Nothing turns upon the only document Ex. W1, filed by the workers. It is a memorandum of settlement between the Management and the Mazdoor Sangh by which one of the workers in category IX in the structural

fabrication section was promoted as charge hand in that section. It is just an instance of a worker in a particular section being promoted as charge hand in that section. By that settlement two of the seniors in that section were overlooked in preference to the third man. Curiously enough any objection was not taken by the Mazdoor Sangh to Basaviah officiating as charge hand in the place of Kotiah even from the year 1964. Now the objection comes when he was permanently appointed there after Kotiah left his job and went away. In the statement of claims an allegation is made about *mala fides* in that favoured treatment is said to be given to Basaviah because he was a delegate of the Workers Union affiliated to A.T.U.C. Not a word is said about it in evidence by W.W.1 and not a suggestion is made with regard to it either in the cross-examination of M.W.1 or of M.W.2. More than half dozen trade unions are operating among more than 30,000 employees of the Singareni Collieries. When a worker is promoted, an Union of which he is not a member should not object to it. If any case, there is no suggestion during the enquiry that the Management was giving favoured treatment to any particular trade union.

10. Having regard to all the facts and circumstances of the case, my finding under Issue 1 is that the Management have not violated any provisions of the Tradesmen Agreement, dated 3rd February, 1961 when they appointed K. Basaviah as the charge hand in the foundry section. The claim of the claimants that a moulder from the foundry section should have been so appointed is not justified. The appointment of K. Basaviah, who was a master grade pattern maker, as charge hand in the moulding section was justified. My finding under Issue 2 is that the claimant-workmen are not entitled to any relief in respect of the subject under Issue 1.

AWARD passed accordingly.

Given under my hand and the seal of the Tribunal, this the 23rd day of November, 1966.

M. NAJMUDDIN,
Industrial Tribunal.

Appendix of evidence:

Witnesses examined for:

Workman :

W.W.1 : S. K. Srinivasan.

Management :

M.W.1 : K. Daniel
M.W.2 : K. Basaviah.

Documents marked for Workmen:

Ex. W1 : Memorandum of Settlement arrived at during the Conciliation Proceedings held u/s 12 of the I.D. Act, 1947 on 9th July, 1965 by the Labour Inspector (C) and Conciliation Officer (C) Kothagudium between the Management of Singareni Collieries Co. Ltd., and its workmen represented by the Mazdoor Sangh.

Documents marked for Employers:

Ex. M1 : Tradesmen Agreement, dated 3rd February, 1961.

Ex. M2 : Letter from the General Secretary of the Mazdoor Sangh, dated 28th September, 1965 to the General Manager of the Collieries Co. Ltd.

Ex. M3 : Service and Record card of Sri Kotiah, Carpenter (Pattern Maker).

Ex. M4 : Office Order, dated 27th October, 1964 making K. Basaviah to officiate and look after the works of Mr. N. Kotiah, Charge hand foundry section from 26th October, 1964 to 7th November, 1964.

Ex. M4(a) Office Order, dated 27th October, 1964 making K. Basaviah to officiate and look after the works of Mr. N. Kotiah, Charge hand Foundry Section from 10th February, 1965 to 24th February, 1965, (15 days).

Ex. M4(b) Office Order, dated 7th September, 1965 granting officiating allowance to Sri K. Basaviah.

Ex. M5 : Proposals No. Ch. E/25D/1593, dated 24/26th August, 1965 proposing Sri K. Basaviah to be the fit employee to be promoted as charge

hand in the vacancy of Sri N. Kotiah with effect from 9th August, 1965.

Ex. M6 : Office Order, dated 15th October, 1965 promoting Shri K. Basaviah as Charge-hand in Moulding Section, Main Workshop, with effect from 9th August, 1965.

Ex. M7 : Office Order, dated 18th March, 1966 confirming Sri K. Basaviah as Charge-hand with effect from 9th February, 1966.

Ex. M8 : Office Order, dated 9th March, 1966 appointing Sri K. Basaviah as Pattern Maker to work at main workshop, Kothagudium.

M. NAJMUDDIN,
Industrial Tribunal.
[No. 7/39/65-LR.II.]

New Delhi, the 7th December 1966

S.O. 3848.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Ltd., P.O. Kothagudium Collieries, Andhra Pradesh and their workmen which was received by the Central Government on the 1st December, 1966.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.
PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal (C), Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 21 OF 1966:

BETWEEN

Workmen of Singareni Collieries Company Ltd., Kothagudium.
AND

The Employers, Singareni Collieries Company Ltd., Kothagudium.

APPEARANCES:

Sri S. Rami Reddy, General Secretary, Andhra Pradesh Colliery Mazdoor Sangh, Kothagudium.—*for Workmen.*

Sri M. V. Ramakrishna Rao, Assistant Personnel Officer, Singareni Collieries Co., Ltd.—*for the Employers.*

AWARD

The Government of India, in its Ministry of Labour, Employment and Rehabilitation, had, by Order No. 7(10)/66-LR.II dated 18th March, 1966, referred this case to me for adjudication. The issue settled as per Schedule annexed to the Notification is this:—

Considering the nature of duties, whether the action of the management of Singareni Collieries Company Limited, in not placing Sri K. R. Subrahmanyam, Telugu Stenographer, in Grade I is justified?

If not, to what relief is he entitled and from what date?

2. The claimant, K. R. Subrahmanyam, is a permanent employee of the Company. He was first employed as a Telugu Typist. After that from the year 1956 he was working in the Publicity Section of the Company as a Telugu Steno-typist. By order dated 21st May, 1956, he was granted "Steno's allowance" of Rs. 25 per month. He is in the scale of Rs. 48—100. He claims that according to the Mozumdar Award he should have been placed in the grade of Rs. 70—158 which is the grade of Stenographer. He claims that he had been doing the duties of

a Stenographer. He therefore prayed in his statement of claims that he should be given stenographer's grade of Rs. 70—158 with retrospective effect from 1st June, 1956.

3. The Management filed counter. The preliminary objection taken is that the present reference was not competent in that the dispute was not an industrial dispute but only an individual dispute inasmuch as the Mazdoor Sangh, which had espoused the case of Subrahmanyam, which is said to be for the first time in the month of September 1965, was not even in existence at the time the alleged grievance had started, *viz.*, in the year 1956. On the merits of the claim the case of the Management is that Subrahmanyam did not at any time work as a stenographer so as to enable him to claim to be placed in the grade of Rs. 70—158. It is pointed out that he was occasionally taking down dictations in shorthand in Telugu and that he was not a fully qualified stenographer. It is admitted that Subrahmanyam was given the steno's allowance of Rs. 25 per month, but it is contended that it does not in any case make him a stenographer so as to confer upon him the right to claim the grade of Rs. 70—158. Lastly it is contended that the claim is much too belated.

4. The claimant—Subrahmanyam examined himself as W.W.I. Ex. W1 was marked on his side. It is letter dated 31st May, 1956, by which steno's allowance of Rs. 25 was sanctioned to him. One witness was examined as M.W. 1 on the side of the Management. He is S. Somaraju, who is the Divisional Personnel Officer of the Company at Kothagudium. Exs. M1 to M13 were marked on the side of the Management. This is all the oral and documentary evidence in the case.

5. In their counter the Management had raised a preliminary objection that the reference was not valid in law, and that therefore this Tribunal did not have jurisdiction to entertain the dispute. The reason therefor given in the counter is that there was no valid espousal in that the Mazdoor Sangh, which would appear to have come into existence early in the year 1962, which espoused the case of Subrahmanyam, that espousal being said to be for the first time in September, 1965, was not existence at the time when the grievance of the claimant is said to have originated, that being the year 1956, when the Mazumdar Award was implemented by the Company. A second ground in support of the contention that the reference was not valid and that therefore this Tribunal did not have jurisdiction to entertain the dispute was advanced during arguments. That second ground is this. It is the Government of India that had made the reference. It is stated that the appropriate Government to make the reference was the Government of Andhra Pradesh because Subrahmanyam was working in the Publicity Section of the Head Office and was not in any sense connected with mining operations. Therefore it is pointed out that this dispute does not come within the definition of an industrial dispute "concerning a mine" under Section 2(a)(1) of the I.D. Act, and that therefore the appropriate Government was not the Government of India.

6. In the main, two aspects of the dispute arise to be considered. The first is the question of the competency of the reference and the jurisdiction of this Tribunal. The second is the merits of the claim. If the reference was not competent then the Tribunal would not have jurisdiction to entertain the dispute. I have referred to the two grounds advanced by the Management in support of their contention that the reference was not competent and that therefore the Tribunal did not have jurisdiction. The first ground is the validity of the espousal, and the second ground is the competency of the Government of India to make the reference.

7. To start with, I would take up the question whether the appropriate Government that should make the reference is the Government of Andhra Pradesh or the Government of India. If I hold that the appropriate Government is the Government of Andhra Pradesh and not the Government of India, then it would not be necessary, nor appropriate, to go into the question now of the validity of the espousal or into the merits of the claim. The reason for my saying so is this. The Government of Andhra Pradesh may later refer this case for adjudication to the Industrial Tribunal, Andhra Pradesh. That would be the occasion when the merits of the claim need be canvassed. Although there is evidence let in by both sides in respect of the merits of the claim, I do not wish to create an embarrassment to me or to the Government of Andhra Pradesh when the latter refers this case to this Tribunal later. By more or less the same token I do not wish to give a finding now on the validity of the espousal. That can be decided when later the Government of Andhra Pradesh, when it decides so to do, makes a reference to this Tribunal. Therefore I will confine myself to only the question

whether the Government of India was the appropriate Government to make the reference. I am holding that the appropriate Government was the Government of Andhra Pradesh and not the Government of India. Award would follow on the basis of the decision on this short point.

8. The facts, necessary to be taken notice of for the limited purpose to which I am confining the enquiry, are these. The claimant, Subrahmanyam, had throughout worked in the Publicity Section in the Head Office at Kothagudium. The Company was issuing a news Bulletin. The duties of Subrahmanyam were to type and do stencilling for the Telugu News Bulletin. From April, 1957, the News Bulletin was converted into a printed Telugu Magazine. From the year 1961 the Magazine was converted from a weekly to a fortnightly. As a result of the conversion of the stencilled News Bulletin into a printed Magazine and as a result of the conversion of the weekly printed magazine into a fortnightly, the work of typing or shorthand work of Subrahmanyam in relation to the publication was considerably reduced. For that reason he was shown some other work like receive and despatch and looking after the stationery. His services were also utilised in connection with Safety Exhibitions. Whatever was the nature of clerical work which Subrahmanyam was doing, whether Telugu typing or taking down dictation in Telugu in shorthand, it was entirely confined to the Publicity Section in the Head Office at Kothagudium. These are admitted facts. Any part of his work did not relate to mining operations.

9. In the paragraph above I have set out facts in the instant case which have a bearing upon the point under consideration. Now I will refer to the decision of Their Lordships of the Supreme Court in Serajuddin and Company v. Their Workmen [1962 (I) LLJ 450]. There the question was whether the appropriate Government was the Government of India or the Government of West Bengal. The Company in the citation, Serajuddin and Company, carried on mining operations in the State of Orissa. Its Head Office is at Calcutta. The employees at the Head Office had advanced claims with regard to grades, pay scales, dearness allowance, house rent, leave and holidays, provident fund and gratuity. The Government of West Bengal had referred that dispute to the Industrial Tribunal of West Bengal. The Company had raised a preliminary objection before that Industrial Tribunal against the validity of the reference itself the reference having been made by the Government of West Bengal. The Company urged before that Tribunal that the appropriate Government was the Government of India and not the Government of West Bengal. The Tribunal negatived the preliminary objection and held that the dispute between the Company and its employees at its Head Office at Calcutta was not a dispute in relation to a mine, and that therefore the reference made by the Government of West Bengal was valid and competent. Thereupon the Company went in appeal to the Supreme Court by special leave. Their Lordships of the Supreme Court upheld the decision of the Industrial Tribunal, West Bengal, and dismissed the appeal. In the absence of any definition of the word "mine" in the Industrial Disputes Act, Their Lordships took into account the dictionary meaning of the word as meaning excavation of earth for metal, coal and salt and other minerals. Their Lordships also referred to the definition of "mine" in Section 2(j) of the Mines Act of 1952 wherein, among others, a mine means an excavation where any operation for the purpose of search for or obtaining minerals has been or is being carried on. Their Lordships pointed out that it is significant that the definition of "mine" under Section 2(i) of the Mines Act excludes office of a mine which is separately defined by Section 2(k) of that Act as meaning an office at the surface of the mine concerned, so that there is no doubt that the office of the mine, though it may be situated at the surface of the mine itself, is not within the definition of "mine". Thus it was concluded that it was obvious that the persons employed at the Head Office wherever it may be situated, cannot be said to do a mining operation. Their Lordships further observed that the employees at the office cannot be said to be ordinarily engaged in any other kind of work which is incidental to or concerned with mining operations. What is meant by "work which is incidental to or connected with mining operations". Their Lordships observed that it must have some connection with or in relation to the mining operations themselves. In the citation the work carried on in the Head Office at Calcutta consisted principally of the sale operations in respect of the product. Their Lordships pointed out that such operations began only after the miners are ready and after all operations incidental to or connected with them are over. Such being the nature of work of the employees at the Head Office at Calcutta, that not being connected with mining operations, Their Lordships of the Supreme Court held that the appropriate Government to make the reference in respect of such employees was the Government of West Bengal and not the Government of India.

10. In the instant case the claimant, Subrahmanyam, is a steno-typist clerk as the Management described him, or a stenographer as he describes himself, in the Publicity Section in the Head Office of the Company at Kothagudium. There is nothing to show that he is in any way connected with mining operations or does any other kind of work which is incidental to or connected with mining operations. It is true that in the case cited above the Head Office of the Company is far away at Calcutta from the place of mining operations which is in the State of Orissa. The distance of the office from, or proximity to, the place of mining operations does not makes any difference. Their Lordships have pointed out that the office could well be at the surface of the mine itself, and that even so, the position would remain the same. In the instant case the claimant, Subrahmanyam, is an employee in the Publicity Section of the Head Office of the Company at Kothagudium. I have pointed out that his work has nothing to do with mining operations and that the nature of his work is not such that it could be said to be incidental to or connected with mining operations. There is absolutely no indication in the evidence that there was any such connection. Therefore the conclusion is that the appropriate Government that could make this reference is the Government of Andhra Pradesh and not the Government of India.

11. On the question whether the reference made by the Government of India was competent and valid, my finding is that it was not competent and valid and that therefore I have no jurisdiction to entertain the dispute. My further finding is that the appropriate Government that could make this reference is the Government of Andhra Pradesh.

Award passed accordingly.

Given under my hand and the seal of the Tribunal this the 24th day of November, 1966.

M. NAJMUDDIN,
Industrial Tribunal.

APPENDIX OF EVIDENCE IN I.D. No. 21/1966:

Witnesses examined for:

WORKMEN:

W.W. 1.—Sri K. R. Subrahmanyam.

Documents exhibited for Workmen.

Ext. W. 1.—Letter dated 31st May, 1956 by the General Manager of Collieries to the Asstt. Personnel Manager, Kothagudium for sanction of Steno's allowance.

Documents exhibited for Employers.

Ex. M. 1.—Appointment order dated 12th December, 1953, of Sri K. R. Subrahmanyam issued by the General Manager of S.C. Co., Ltd., Kothagudium.

Ex. M. 2.—Joining report of the workman—Sri K. R. Subrahmanyam dated 14th December, 1953.

Ex. M. 3.—Application of Sri Subrahmanyam dated 4th April, 1956, requesting for sanction of shorthand allowance.

Ex. M. 4.—Letter dated 31st May, 1956, from the General Manager of Collieries to the Asstt. Personnel Manager, Kothagudium according sanction of steno's allowance.

Ex. M. 5.—Company's Wages Schedule.

Ex. M. 6.—Telugu News Bulletin "Singareni Kaburlu" Vol. 4, No. 16 dated 21st April, 1957.

Ex. M. 7.—Telugu News Bulletin "Singareni Vartalu" Vol. 8, No. 18 dated 7th May, 1961.

Ex. M. 8.—Representation of Subrahmanyam dated 26th August, 1965, to the Personnel Manager, Kothagudium, under the Company's Grievance procedure stage I for allowing stenographer's grade of Rs. 70—158.

Ex. M. 9.—Reminder of the workman—Subrahmanyam to the above representation.

Ex. M. 10.—Reply of the Management dated 11th September, 1965, to Subrahmanyam's letters dated 26th August, 1965, and 31st August, 1965.

EMPLOYERS:

M.W. 1.—Sri Somaraju.

Ex. M. 11.—Representation of the A. P. Colliery Mazdoor Sangh dated 25th September, 1965, to the Personnel Manager, Kothagudium, in the dispute relating to Sri K. R. Subrahmanyam.

Ex. M. 12.—Extract from the agreement dated 8th March, 1956, regarding the fixation of grades.

Ex. M. 13.—Notice given by the A. P. Coal Mines Workers' Federation (INTUC) dated 25th May, 1959, to the General Manager, S. C. Co., Ltd., Kothagudium terminating the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal of India.

M. NAJMUDDIN,
Industrial Tribunal.
[No. 7/10/66-LRII.]

New Delhi, the 8th December 1966

S.O. 3849.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Madhuban Lodna Colliery, Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 30th November, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL DHANBAD.

In the matter of an industrial dispute under Section 10(1)(d) of The Industrial Disputes Act, 1947.

REFERENCE NO. 37 OF 1964

Employers in relation to Madhuban Lodna Colliery, P.O. Jharia, (Dhanbad).

AND

Their Workmen .

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Employers.—Sarvashri S. S. Mukherjee, Advocate and A. N. Sharma.

For the Workmen.—Sarvashri B. Lal, Advocate and Jaimurat Singh, Branch Secretary of the Union.

STATE: Bihar.

INDUSTRY: Coal.

Camp: Patna, dated the 18th October 1966

AWARD

By its Order No. 2/19/64-LRII-I dated 2nd April, 1964, the Government of India, Ministry of Labour and Employment, referred to this Tribunal for adjudication, under Section 10(1)(d) of The Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the Management of Madhuban Lodna Colliery, P.O. Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule annexed to the order of Reference which is reproduced below:—

SCHEDULE

“(1) Whether the stoppage of work of the following workmen (miners) by the management of the Madhuban Lodna Colliery with effect from the 10th October, 1963 was justified? If not, to what relief are they entitled?

1. Shri Gobind Harijan.
2. Shri Pabbaroo Gupta.
3. Shri Ram Karan Harijan.
4. Shri Lachhu Harijan.

(2) Whether the stoppage of work of the following workmen by the management of the Madhuban Lodna Colliery was justified? If not, to what relief are they entitled?

1. Shri Feku Ram.
2. Shri Moti Gwala.
3. Shri Ram Dayal.
4. Shri Mithoo Harijan.
5. Shri Bali Bhar.
6. Shri Bipat Passi.
7. Shri Ganga Koiri.
8. Shri Raj Bahadur."

2. On 14th October, 1966, when the case was taken up for hearing S/Shri S. S. Mukherjee, Advocate and A. N. Sharma, Colliery Superintendent, appeared for the management and Sarvashri B. Lal, Advocate, Vice-President and Jaimurat Singh, Branch Secretary, Khan Mazdoor Congress, appeared for the concerned workmen.

3. All the above parties filed a joint petition of compromise signed by the above four persons and jointly prayed that an award in terms of the said compromise marked *Annexure 'A'* be passed and the reference be disposed of accordingly.

4. I have read the terms of the compromise and, in my opinion, they are fair and in the interest of both the parties, and, therefore, I accept the compromise and record the same.

5. The reference is accordingly disposed of in terms of the compromise *Annexure 'A'* and an award in terms of the said compromise is made and the said compromise *Annexure 'A'* is made a part of the said award.

6. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE NO. 37 OF 1964.

Employers in relation to Madhuban Lodna Colliery.

AND

Their Workmen.

Represented by Khan Mazdoor Congress.

That without prejudice to the respective contention of the parties the above reference, has been amicably settled between the parties on the following terms.

1. That M/s. Waliram & Co., were the raising contractors of Madhuban Lodna Colliery regarding 11/12 seams.

2. That on account of the exhaustion of coal, raising contract of M/s. Waliram & Co., was terminated.

3. That on account of the above there was no working places at Madhuban Lodna Colliery where the workmen could be continued in their employment.

4. That in view of the above position the Union does not want to pursue its demand on account of the stoppage of work of workmen concerned.

5. That M/s. Waliram & Co., will however intimate to the workmen by proper notices for re-employment when 11/12 seam will be re-started by them. Copy of the notice will be forwarded to the Union also.

6. That the parties will bear their own respective costs.

It is therefore humbly prayed that the above compromise may kindly be recorded and an award passed in terms thereof.

For workmen.
Sd./- B. LAL,
Vice President,
Khan Mazdoor Congress.

Sd./- JAIMURAT SINGH,
Branch Secy., Khan Mazdoor Congress.

For Waliram & Co.
Sd./- A. N. SHARMA,
Colliery Superintendent.
(Sd.) Illegible.

14-10-1966.

[No. 2/19/64-LRII-(i).]

S.O. 3850.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Madhuban Lodna Colliery, Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 30th November, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.

In the matter of an industrial dispute under Section 10(1)(d) of The Industrial Disputes Act, 1947.

REFERENCE NO. 38 OF 1964.

Employers in relation to Madhuban Lodna Colliery, P.O. Jharia (Dhanbad).

AND

Their Workmen.

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Employers.—Sarvashri S. S. Mukherjee, Advocate, and A. N. Sharma.

For the Workmen.—Sarvashri B. Lal, Advocate and Jaimurat Singh, Branch Secretary of the Union.

STATE: Bihar.

INDUSTRY: Coal.

Camp: Patna, dated the 18th October 1966

AWARD

By its Order No. 2/19/64-LR-II-II dated 2nd April, 1964, the Government of India, Ministry of Labour and Employment, referred to this Tribunal for adjudication, under Section 10(1)(d) of The Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the management of Madhuban Lodna Colliery, P.O. Jharia, District Dhanbad and their workmen in respect of the matters specified in the schedule annexed to the order of reference which is reproduced below:

SCHEDULE

"Whether the work of Shri Ram Adhar Harijan, miner, was stopped by the management of Madhuban Lodna Colliery with effect from the 10th October, 1963? If so, to what relief is the workman entitled?"

2. On 14th October, 1966, when the case was taken up for hearing S/Shri S. S. Mukherjee, Advocate and A. N. Sharma, Colliery Superintendent, appeared for the management and Sarvashri B. Lal, Advocate, Vice-President and Jaimurat Singh, Branch Secretary, Khan Mazdoor Congress, appeared for the concerned workman.

3. All the above parties filed a joint petition of compromise signed by the above four persons and jointly prayed that an award in terms of the said compromise marked Annexure 'A' be passed and the reference be disposed of accordingly.

4. I have read the terms of the compromise and, in my opinion, they are fair and in the interest of both the parties, and, therefore, I accept the compromise and record the same.

5. The reference is accordingly disposed of in terms of the compromise Annexure 'A' and an award in terms of the said compromise is made and the said compromise Annexure 'A' is made a part of the said award.

6. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 38 OF 1964.

Employers in relation to Madhuban Lodna Colliery.

AND

Their workmen,

Represented by Khan Mazdoor Congress.

That without prejudice to the respective contention of the parties the above reference, has been amicably settled between the parties on the following terms.

1. That M/s. Waliram & Co., were the raising contractors of Madhuban Lodna Colliery regarding 11/12 seams.

2. That on account of the exhaustion of coal, raising contract of M/s. Waliram & Co., was terminated.

3. That on account of the above there was no working places at Madhuban Lodna Colliery where the workmen could be continued in their employment.

4. That in view of the above position the Union does not want to pursue its demand on account of the stoppage of work of workmen concerned.

5. That M/s. Waliram & Co., will however intimate to the workmen by proper notices for re-employment when 11/12 seam will be re-started by them. Copy of the notices will be forwarded to the Union also.

6. That the parties will bear their own respective costs.

It is therefore humbly prayed that the above compromise may kindly be recorded and an award passed in terms thereof.

For Workmen.

Sd./- B. LAL,
Vice President,
Khan Mazdoor Congress.

Sd./- JAIMURAT SINGH,
Branch Secy.,
Khan Mazdoor Congress.

For Waliram & Co.
Sd./- A. N. SHARMA,
Colliery Superintendent.

(Sd.) Illegible.

14-10-1966.

[No. 2/19/64-LRII-(ii).]

S.O 3851.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the South Bulliari Kenduadih Colliery of Messrs East Indian Coal Company Limited, Jealgora, Post Office Jealgora (Dhanbad) and their workmen which was received by the Central Government on the 3rd December, 1966.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT DHANBAD**

In the matter of an industrial dispute under Sec. 10(1)(d) of The Industrial Disputes Act, 1947.

REFERENCE NO. 29 OF 1964.

Employers in relation to the South Bulliari Kenduadih Colliery of Messrs East Indian Coal Company Limited, Jealgora, Post Office Jealgora (Dhanbad).

AND

Their Workmen.

PRESENT:

Shri Raj Kishore Prasad, Presiding Officer.

For the Employers: Shri S. S. Mukherjee, Advocate.

For the Workmen: None.

STATE: Bihar.

INDUSTRY: Coal.

Camp: Patna, dated the 18th October, 1966.

AWARD

By its Order No. 2/16/64-LR. II dated 17th March 1964 the Government of India, Ministry of Labour and Employment, referred under Section 10(1)(d) of The Industrial Disputes Act, 1947, to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the South Bulliari Kenduadih Colliery of M/s. East Indian Coal Co. Ltd., Jealgora, Dhanbad and their workmen in respect of the matters specified in the schedule annexed to the order of reference which is reproduced below:

SCHEDULE

"Whether the dismissal of Shri Jaikishun Pandey, Drillman by the management of South Bulliari Kenduadih Colliery of Messrs East Indian Coal Company Limited, Post Office Jealgora (District Dhanbad) was justified? If not, to what relief is the workman entitled?"

2. On behalf of the concerned workman Shri Jai Kishun Pandey, Shri P. Jha, Vice-President of the Mine Mazdoor Union, Sijua, (Dhanbad) filed statement of claim on 22nd June 1966 in which para 19 it was stated that he after his dismissal joined the Mine Mazdoor Union of which the concerned workman became the Vice-President and then his dispute was sponsored by the said union as the new union called the Colliery Mazdoor Panchayat started in May 1962 was not registered for a long time till the concerned workman became a member of the Mine Mazdoor Union. He also challenged his dismissal on several grounds and prayed that his dismissal be set aside and he may be re-instated with effect from 25th March 1962 with full back wages.

3. The management also filed a rejoinder on 30th September 1966 wherein it was stated *inter-alia* that the present dispute was an individual dispute as it is neither supported by substantial number of workmen nor any union to which the workman was a member before the date of his dismissal and the workman was not a member on or before the date of his dismissal of the Mine Mazdoor Union and therefore, the present reference at the instance of the Mine Mazdoor Union was liable to be summarily rejected. The management thereafter said that there was a chargesheet against the workman and a departmental enquiry was held at which his misconduct was established.

4. The case was fixed for hearing on 14th October 1966 when Shri S. S. Mukherjee, Advocate, appeared for the management but no one appeared for the union or the concerned workman nor the concerned workman himself appeared in person. That

day at 9-50 A.M., however, Shri I. H. Khan, representative of the Mine Mazdoor Union, informed the Senior Clerk of the Tribunal on the phone that he has received the notice of the hearing of the case on 4th October 1966 but he will not appear as he or his union is not interested in the dispute, and, therefore, this information may be given to the Presiding Officer. In the circumstances, the case was taken up for hearing *ex parte*. After hearing arguments on behalf of the management award was reserved.

5. Shri Mukherjee took a preliminary objection on the ground that the present dispute was an individual dispute, and, therefore, the present reference in respect of an individual dispute was not maintainable and in support of it he relied on para 19 of the written statement of the concerned workman himself. Shri Mukherjee's case was that the present reference has been referred at the instance of Mine Mazdoor Union which is a registered trade union but the said union sponsored the dispute of the concerned workman after his dismissal as the concerned workman himself became a member of the said union as admitted by him in para 19 of the written statement after his dismissal because the previous union called Colliery Mazdoor Panchayat which was started in May 1962 was not registered and, therefore, the Conciliation Officer (C) refused to intervene at the instance of an un-registered union.

6. In view of the latest Letters Patent Appeal Bench Decision of the Punjab High Court in 1966 (II) LLJ 261 in which all the previous decision have been referred to, and which took the same view as I took in (1964-65) 27 F.J.R. 482 it is plain that the present dispute sponsored by the present union of which the concerned workman became a member after his dismissal was an individual dispute because the said union itself came into existence in this colliery after the dismissal of the concerned workman.

7. The result, therefore, is that the reference is decided against the workman by holding that it is incompetent because it is in respect of an individual dispute and as such it is rejected.

8. This is the award which I make under Sec. 15 of the Act and submit to the Central Government.

(Sd.) RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal, Dhanbad.
[No. 2/16/64-LR.II.]

S.O. 3852.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri A. N. Roy, Arbitrator, in the industrial dispute between the employers in relation to the Jhagrakhand Collieries (P) Limited, P.O. Jhagrakhand Colliery, and their workmen, which was received by the Central Government on the 2nd December, 1966.

Arbitration Award in the matter of an industrial dispute between the Jhagrakhand Collieries (P) Ltd., P.O. Jhagrakhand Colliery and their workmen represented by the Madhya Pradesh Colliery Workers Federation, Chirimiri over the transfer of Sri Lalohar Singh, Traffic Munshi from the North Jhagrakhand Colliery to the West Jhagrakhand Colliery—Arbitration Agreement under Sec. 10 A(i) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Jhagrakhand Collieries and their workmen.

PRESENT:

Sri A. N. Roy, Regional Labour Commissioner (Central), (Implementation), Nagpur & Arbitrator.

APPEARANCES:

For the management:—Shri G. R. Bhandari, Group Personnel Officer, Jhagrakhand Collieries, P.O. Jhagrakhand Colliery, Dist. Surguja (M.P.).

For the workmen:—Shri J. P. Srivastava, Vice President, M.P. Colliery Workers' Federation, P.O. Chirimiri with Sri N. Chatto-padhyা Welfare Officer, North Jhagrakhand Colliery, P.O. Jhagrakhand Colliery.

Dated at Nagpur this 30th day of November, 1966

INDUSTRY: Coal

STATE: Madhya Pradesh.

AWARD

By its order No. 8/129/66-LR II, dated the 30th August 1966, the Govt. of India, Ministry of Labour, Employment & Rehabilitation (Deptt. of Labour & Employment), under Sec. 10A (3) of the Industrial Disputes Act, 1947 published an Arbitration Agreement arrived at between the management of Jhagrakhand Collieries and their workmen represented by the M.P. Colliery Workers' Federation, Chirimiri in terms of which the following industrial dispute was referred to me for arbitration:

Specific matters in dispute

"Whether the management of the Jhagrakhand Collieries, P.O. Jhagrakhand Colliery, District Surguja (M.P.) is justified in transferring Sri Lalohar Singh, Traffic Munshi from the North Jhagrakhand Colliery to the West Jhagrakhand Colliery? If not, to what relief is the workman entitled?"

On receipt of the written statements from the parties the arbitration hearing was held at Chirimiri on 30th September 1966. During the said hearing the parties agreed that the arbitration award may be given by 30th November 1966. After prolonged discussions the arbitration hearing was adjourned as the parties were exploring the possibility of arriving at a compromise settlement. The parties have since then filed a joint petition dated 24th November, 1966 in which they have informed that a mutual settlement has been arrived at between the parties on the dispute over transferring of Shri Lalohar Singh, Traffic Munshi and they have further prayed that an award may kindly be passed in terms of the said settlement. A copy of the mutual settlement dated 24th November, 1966 is enclosed. The terms of the settlement arrived at are as under:—

1. Agreed that Sri Lalohar Singh, Traffic Munshi, shall carry out the transfer order dated 16th April, 1966 immediately. He will report to work at West Jhagrakhand Colliery within a week from date.
2. Agreed that the workman will work at West Jhagrakhand Colliery at least upto 15th January, 1967 and thereafter the management will consider his request for mutual transfer to South Jhagrakhand Colliery.
3. Agreed that the period of his absence from 1st May, 1966 to the date of resumption of work at West Jhagrakhand Colliery will be treated as leave without pay and he will not be entitled to any benefit or relief for this period.
4. The parties will submit a copy of this settlement to Sri A. N. Roy, Arbitrator with a prayer that an Award in the dispute may be passed in terms of the settlement.

As I am satisfied that the aforesaid terms of the settlement, in the facts of the circumstances of the cases, are fair and reasonable I make an award in terms thereof. It is further ordered that Shri Lalohar Singh, Traffic Munshi shall carry out the transfer order dated 16th April 1966 immediately but not later than 7 days from the date of publication of this award.

A. N. Roy,

Arbitrator & Officer on Special Duty,
Regional Labour Commissioner (Central),

(Implementation), Nagpur.

30-11-66.

**BEFORE SHRI A. N. ROY, ARBITRATOR AND REGIONAL LABOUR
COMMISSIONER (CENTRAL) (IMPLEMENTATION), NAGPUR**

In the matter of arbitration under Section 10A of the Industrial Disputes Act, 1947, vide notification No. S.O. 2697 dated 30th August, 1966 published in the Gazette of India dated 10th September, 1966,

AND

In the matter of an industrial dispute over alleged wrongful transfer of Shri Lalohar Singh, Traffic Munshi from North Jhagrakhand Colliery to West Jhagrakhand Colliery with effect from 1st May, 1966.

Dated:—24th November, 1966

PRESENT:

Representing Employers

1. Shri G. R. BHANDARI,
Group Personnel Officer,
Jhagrakhand Collieries (P) Ltd.,

P.O. Jhagrakhand Colliery.

Representing Workmen

1. Shri J. P. SRIVASTAVA,
Vice-President,
M.P. Colliery Workers'
Federation.

Jhagrakhand Colliery.

Brief Recital of the case

The Management of the Jhagrakhand Collieries and their workmen represented by the M.P. Colliery Workers' Federation referred the above dispute to Shri A. N. Roy, Regional Labour Commissioner(C), Nagpur for arbitration under Section 10-A of the Industrial Dispute Act by an Arbitration agreement dated 10th August, 1966. After submission of the written statements by the parties, the first hearing of the case took place at Chirlimiri on 30th September 1966 at which it was suggested that the parties may explore further possibilities for an amicable settlement of the dispute and accordingly the hearing was adjourned. Thereafter, the dispute was mutually discussed at great length on 23/11/66 and 24/11/66 and it was resolved on the following terms and conditions:—

Terms of settlement

1. Agreed that Shri Lalohar Singh, Traffic Munshi, shall carry out the transfer order dated 16th April, 1966 immediately. He will report to work at West Jhagrakhand Colliery within a week from date.
2. Agreed that the workman will work at West Jhagrakhand Colliery at least upto 15th January, 1967 and thereafter the management will consider his request for mutual transfer to South Jhagrakhand Colliery.
3. Agreed that the period of his absence from 1st May, 1966 to the date resumption of work at West Jhagrakhand Colliery will be treated as leave without pay and he will not be entitled to any benefit of relief for this period.
4. The parties will submit a copy of this settlement to Sri A. N. Roy, Arbitrator with a prayer that an Award in the dispute may be passed terms of the settlement.

Representing Employers

Sd/- G. R. BHANDARI,

Witness:

1. Sd/- R. C. SHUKLA (in Hindi)
2. Sd/- N. P. MISHRA,
Jhagrakhand Collieries.

Representing Workmen

Sd/- J. P. SRIVASTAVA,

Dated:—24th November, 1966

[No. 8/129/66-LRII.]

ORDERS

New Delhi, the 3rd December 1966

S.O. 3853.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bankolla Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Bankolla Colliery, Post Office Ukhra in terminating the services of Shri Dhian Singh, mechanical fitter, with effect from the 30th May, 1966 was justified? If not, to what relief is the workman entitled?

[No. 6/102/66-LRII.]

New Delhi, the 7th December 1966

S.O. 3854.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kenduadih Nos. 6 and 8 Pits Colliery of Messrs East Bulliaree Kenduadih Colliery Company Private Limited, P.O. Kusunda (Dhanbad), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Kenduadih No. 6 and 8 Pits Colliery of M/s. East Bulliaree Kenduadih Collieries Company (Private) Limited, P.O. Kusunda, District Dhanbad, was justified in dismissing from service S/Shri Kailu Mian and Bhola Dusadh, Firemen, with effect from the 9th May, 1966? If not, to what relief are the workmen entitled?

[No. 2/158/66-LRII.]
BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 2nd December 1966

S.O. 3855.—In exercise of the powers conferred by Section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory in an implemented area, hereby exempts the Central Asphalt Plant, Egmore, Madras belonging to the Corporation of Madras from the payment of Employers' special contribution leviable under chapter VA of the said Act for a further period upto and including the 19th November, 1967.

[No. F. 6/124/63-HI.]

New Delhi, the 6th December 1966

S.O. 3856.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and having regard to the location of the factory in an implemented area, the Central Government hereby exempts the Government Regional Press, Salem from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the 30th November, 1966.

[No. F. 6(59)/66-HI.]

New Delhi, the 7th December 1966

S.O. 3857.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment mentioned in the schedule annexed hereto have agreed that the provisions of the Employees Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 8th April, 1965.

SCHEDULE

M/s Karbenvally Tea Factory, Kotagiri Post, Coonoor, Nilgiris.

[No. 8(1)66-PF.II]

S.O. 3858.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments as mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of June, 1966.

SCHEDULE

(1) Messrs. Kailash Manufacturing Company 16/A, Kalimuddle Lane, Post Box No. 11457, Calcutta-6.

(2) Messrs East Coast Agencies 165, Lower Chitpur Road, Calcutta-1.

(3) New Secretariat Buildings Government Employees Co-operative Canteen and Stores Limited, 1 Hastings Street, Calcutta-1.

[No. 8(49)66-PF.II]

S.O. 3859.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Thungabhadra Enterprises, No. 2, Ali Asker Road, Bangalore-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 1st December, 1966.

[No. 8(60)66-PF.II.]

S.O. 3860.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Metal Container Corporation, Madras, C.7, Industrial Estate, Madras-32 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment with effect from the 1st December, 1966.

[No. 8(40)66-PF.II.]

S.O. 3861.—Whereas the Central Government was satisfied that M/s. Rao's Insulating Co. (P) Ltd., Berglands was situated in Whitefield area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Bangalore in the State of Mysore;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government vide notification of the Government of India in the late Ministry of Labour and Employment S.O. No. 889, dated the 4th March, 1964;

And, whereas the Central Government is satisfied that the insurable population of the Whitefield area in the district of Bangalore in the State of Mysore has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In the Schedule appended to the said notification under serial No. 1, the entry "Whitefield" in Col. 3 and the entry "M/s. Rao's Insulating Co. (P) Ltd., Berglands" in Col. 4 shall be omitted.

[No. F. 6/53/66-HI.]

S.O. 3862.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. M. S. P. Solai Nadar Brothers, No. 159, North Veli Street, Madras-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 1st December, 1966.

[No. 8(36)66-PF.II.]

New Delhi, the 8th December 1966

S.O. 3863.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories mentioned in the Schedule below in sparse areas in the State of West Bengal hereby exempts them from the payment of the employers' special contribution leviable under chapter VA of the said Act until the enforcement of the provisions of chapter V of that Act in those areas:

SCHEDULE

Sl. No.	Name of the District.	Name of Area	Name of the Factory
1.	Birbhum	Ahmadpur	M/s. Model Blacksmithy workshop.
2.	Bankura	Christiandanga	M/s. Dhirendra Chandra Bowmick.
3.	Burdwan	Rajbandh	M/s. Apeejay Structural Limited.
4.	Jalpaiguri	Gyarkatta	M/s. Biswanath Saw Mill.
5.	Midnapur	Kharagpur Kolaghata	M/s. Uma Iron and Steel Co. M/s. Sachipati Jana and Sons.
6.	Nadia	Phulia-Township Ranaghat	M/s. Concrete Spun Pipe Co. Pvt. Ltd. M/s. Ranaghat Textiles Mills No. 2.

[No. F. 6/28/64-HI.]

S.O. 3864.—Whereas the Central Government was satisfied that the Permanent Brick and Tile Works was situated in Whitefield area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Bangalore in the State of Mysore;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the said Act in that area by the Central Government vide Notification of the Government of India in the late Ministry of Labour and Employment S.O. No. 2665, dated the 2nd November, 1961;

And, whereas the Central Government is satisfied that the insurable population of the Whitefield area in the district of Bangalore in the State of Mysore has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said Notification, namely:—

In Schedule I appended to the said Notification under serial No. 1, the entry "Whitefield" in Col. 4 and the entry "The Permanent Brick and Tile Works" in Col. 5 shall be omitted.

[File No. 6/53/66-HI.]

S.O. 3865.—Whereas it appears to the Central Government that Messrs. Laxmikanthan Cotton Mills Co. Ltd., Kanpur, have defaulted in the investment of provident establishment under Section 17(1) of the Employees' Provident Funds Act, 1952 (19 of 1952) of the conditions subject to which exemption was granted to the aforesaid establishment under Section 17(1) of the Employees' Provident Funds Act, 1952 (19 of 1952) vide the notification of the Government of India in the late Ministry of Labour and Employment No. S.R.O. 3416, dated the 17th October, 1957 published in Part II, Section 3 of the Gazette of India, dated the 26th October, 1957;

And whereas it further appears to the Central Government that the position of investment of provident fund money has not improved in spite of several opportunities having been offered to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 17 of the said Act, the Central Government hereby cancels with immediate effect, the exemption granted to the said establishment under sub-section (1) of section 17 of the said Act.

[No. F. 8(51)/66-PF-II]

S.O. 3866.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories mentioned in the Schedule below in sparse areas in the State of Maharashtra hereby exempts them from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

Serial No.	Name of District	Name of Area	Name of the Factory
1.	Yeotmal	Digras	M/s. Padgilwar (Private) Ltd.
2.	Wardha	Bongaon	M/s. Maharashtra State Electricity Board, Sub-Station Area, Bongaon, Meghe.
		Wardha	M/s. Prabhat Oil & Extraction Industries Waigaon Road.

[No. F. 6/12/66-HI.]

New Delhi, the 9th December 1966

S.O. 3867.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Vijay and Company 2, Ali Askar Road, Bangalore have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable, to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment from the 1st December, 1966.

[No. 8(61)/66-PF.II.]

S.O. 3868.—In pursuance of clause (e) of sub-section (1) of section 3A of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948) read with section 14 of the Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1965 (45 of 1965), the Central Government hereby appoints Sarvashri S. V. Raman and B. R. Pai as trustees of the Board of Trustees and makes the following amendments in the notification of the Government of India in the late Ministry

of Labour and Employment No. S.O. 2370, dated the 23rd September, 1961, namely:—

In the said notification,—

(i) in serial number 8, for the existing entry, the following entry shall be substituted, namely:—

"Shri S. V. Raman, The East Indian Coal Company Limited, P.O. Jealgora, District Dhanbad"; and

(ii) in serial number 13, for existing entry, the following entry shall be substituted, namely:—

"Shri B. R. Pai, Chief Mining Engineer (HQ), National Coal Development Corporation Limited, Darbhanga House, Ranchi."

[No. 4(50)/62-P.F.I.]

New Delhi, the 12th December 1966

S.O. 3869.—In pursuance of Section 16 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government appoints Shri B. G. Rau, I.C.S., as Director General, Employees' State Insurance Corporation with effect from the forenoon of the 12th December, 1966, until further orders vice Shri P. M. Nayak.

[No. F. 5(19)/66-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th December 1966

S.O. 3870.—In pursuance of Sub-section (1) of Section 14, Sub-section (1) of Section 15, Section 16, 17 and 18 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby authorises the Labour Commissioner, Panjim to exercise the powers under Sections 14, 15, 16, 17 and 18 of the said Act and the Factory Inspector, Panjim, appointed under Section 8(1) of the Factories Act, 1948 to exercise the powers under Sections 14 and 15 of the said Act, throughout the Union Territories of Goa, Daman and Diu.

[No. 3/40/66-Spl.]

N. N. CHATTERJEE, Jt. Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 7th December 1966

S.O. 3871.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the state of Haryana the following officers under the Regional Settlement Commissioner, Jullundur as Assistant Custodian for the purpose of discharging the duties imposed on such Assistants Custodians by or under the said Act with effect from 1st November, 1966.

(i) Shri U. S. Gill, Managing Officer.

(ii) Shri J. R. Bhanot, Superintendent.

[No. P/F. 4(85)AP/58.]

A. G. VASWANI,
Settlement Commissioner (A) & Ex-
Officio Under Secy.

